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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,358	02/23/2004	Andrew J. Vilcauskas JR.	KLR/KAR:8096.0011	8814

152 7590 04/13/2007
CHERNOFF, VILHAUER, MCCLUNG & STENZEL
1600 ODS TOWER
601 SW SECOND AVENUE
PORTLAND, OR 97204-3157

EXAMINER

BEKERMANN, MICHAEL

ART UNIT	PAPER NUMBER
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3622

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/784,358

Applicant(s)

VILCAUSKAS ET AL.

Examiner

Michael Bekerman

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/23/2007 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Werkhoven (WO 99/59097).**

Regarding claims 1, 2, 4 and 7-12, Werkhoven teaches the displaying of a first display on a web browser in the foreground of a computer(when user opens a Web Page) (Page 4, Lines 1-6, and Figure 1), the initiating of a load triggering event (opening the web page) (Page 4, Lines 1-6, and Figure 1), the opening of a post-session web

Art Unit: 3622

browser in the background of the computer (the background window is a post-session platform) (Page 4, Lines 1-6, and Figure 1), the displaying of a post-session display on the background window (the advertisement) (Page 4, Lines 1-6, and Figure 1), and the maintaining of the background window in the background until the advertisement is fully loaded, thus bringing it to the foreground. Werkhoven does not appear to specify a viewer-driven view triggering event that brings the advertisement window forward and is different from the load triggering event (it could be argued that the completion of the advertisement's loading is not a viewer-driven event). Official notice is taken that "minimize window", "close window", and "alt-tab" are all old and well-known functions programmed into typical user operating systems. Windows 95 is an example of a widely used operating system at that time and predates applicants invention by several years. Windows 95 allowed users to close and minimize windows by any number of methods, arguably the easiest being the "X" and "_" buttons located at the upper right of every window. Windows 95 also allowed for switching between windows by holding the "alt" key, and subsequently depressing "tab". It would have been obvious to one having ordinary skill in the art at the time the invention was made for users to close (a viewer driven view triggering event) a window once they were finished with it (even if the closing occurred before the advertisement was finished loading) to save system resources. Upon closing the window, the background window would pop forward.

Regarding claim 3, Werkhoven teaches that there is a predetermined time interval before the post-session window disappears (Claim 3).

Regarding claims 5 and 13, Werkhoven teaches that a certain time period lapses before the window goes away. This is taken to read on the focus timer process. (Page 4, Lines 5-6).

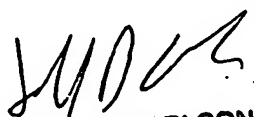
Regarding claim 6, Werkhoven teaches the waiting of a predetermined time interval before being able to open the post-session platform (Claim 4).

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Bekerman whose telephone number is (571) 272-3256. The examiner can normally be reached on Monday - Friday, 7:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric W. Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JEFFREY D. CARLSON
PRIMARY EXAMINER

Index of Claims



Application/Control No.

10/784,358

Examiner

Michael Bekerman

Applicant(s)/Patent under
Reexamination

VILCAUSKAS ET AL.

Art Unit

3622

X	Rejected
=	Allowed

-	(Through numeral) Cancelled
+	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

Claim		Date									
Final	Original	1/9/06	10/6/06	4/9/07							
	1	X	x	x							
	2	X	x	x							
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Andrew J. Vilcauskas, Jr. et al.

Group Art Unit: 3622

U.S. Pat. App. No.: 10/784,358

Examiner: Michael Bekerman

Filed: February 23, 2004

Confirmation No.: 8814

Title: POST-SESSION INTERNET ADVERTISING SYSTEM

AMENDMENT

Chernoff Vilhauer McClung and Stenzel
601 SW Second Avenue, Suite 1600
Portland, OR 97204

February 20, 2007

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action mailed November 18, 2006, please amend the above-identified application as follows:

Amendments to the Specification are not included in this paper.

Amendments to the Claims are reflected in the listing of claims that begins on page 2 of this paper.

Amendments to the Drawings begin on page 7 of this paper.

Remarks/Arguments begin on page 8 of this paper.

An **Appendix** is included at page 9 of this paper.

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1 (Currently Amended). A post-session advertising method for use in a media having a background and a foreground, comprising the steps of:

- (a) displaying a first display in a first platform in said foreground of said media;
- (b) initiating a load triggering event;
- (c) opening a post-session platform in response to said load triggering event in said background of said media;
- (d) displaying a post-session display on said post-session platform; and
- (e) maintaining said post-session platform in said background until a ~~viewer-driven~~ view triggering event occurs, said view triggering event being an action taken by a viewer, and different from said load triggering event.

2 (previously presented). The method of claim 1 wherein said steps of displaying a first display in a first platform and said step of opening a post-session platform further include the steps of displaying a first display in a first interactive media platform and opening a post-session interactive media platform, respectively.

3 (previously presented). The method of claim 1, further comprising the step of timing the duration from said view triggering event to said platform being closed.

4 (previously presented). The method of claim 1, further comprising the step of bringing said post-session platform to the foreground in response to a view triggering event.

5 (Original). The method of claim 1, further comprising the step of timing the duration said post-session platform remains in the foreground.

6 (Original). The method of claim 1, wherein said step of opening a post-session platform in response to said load triggering event is forgone if a predetermined time period has not elapsed.

7 (Currently amended). A post-session advertising system for use in a media having a background and a foreground, said system comprising:

- (a) a first platform for displaying a first display in said foreground of said media;
- (b) a post-session platform for displaying a post-session display in said background of said media in response to a load triggering event;
- (c) a Web server for providing a link to said post session display in response to said load triggering event;
- (d) said post-session platform coming to said foreground of said media in response to a viewer driven view triggering event, said view triggering event being an action taken by a viewer, and different from said load triggering event.

8 (Original). The system of claim 7 wherein said media is selected from a group consisting of:

- (a) a communication device;
- (b) a computer;
- (c) personal digital assistant;
- (d) telephone;
- (e) television; and
- (f) radio.

9 (Original). The system of claim 7 wherein said first and post-session displays are selected from a group consisting of:

- (a) a Web site;

- (b) a Web page;
- (c) interactive media;
- (d) video broadcast content; and
- (e) audio broadcast content.

10 (Original). The system of claim 7 wherein said first and post-session platforms are selected from a group consisting of:

- (a) a Web browser;
- (b) a television channel;
- (c) a telephone line;
- (d) a radio station;
- (e) streaming media;
- (f) content delivery applications;
- (g) media viewing technology; and
- (h) interactive technology.

11 (Original). The system of claim 7 wherein said load triggering event is selected from a group consisting of:

- (a) clicking on an off-site link;
- (b) entering a new address;
- (c) load;
- (d) unload;
- (e) click;
- (f) resize;
- (g) submit;
- (h) focus;
- (i) blur;
- (j) move;

- (k) key press;
- (l) select;
- (m) change;
- (n) refresh;
- (o) open;
- (p) close;
- (q) redirect;
- (r) enter;
- (s) exit;
- (t) end of program;
- (u) beginning of program;
- (v) end of session;
- (w) change of service;
- (x) time; and
- (y) a combination of at least two of said load triggering events of (a)-(x).

12 (Original). The system of claim 7 wherein said view triggering event is selected from a group consisting of:

- (a) closing said first platform;
- (b) selecting said post-session platform;
- (c) clicking on an off-site link;
- (d) entering a new address;
- (e) load;
- (f) unload;
- (g) click;
- (h) resize;
- (i) submit;
- (j) focus;

- (k) blur;
- (l) move;
- (m) key press;
- (n) select;
- (o) change;
- (p) refresh;
- (q) open;
- (r) redirect;
- (s) enter;
- (t) exit;
- (u) end of program;
- (v) beginning of program;
- (w) end of session
- (x) change of service;
- (y) time; and
- (z) a combination of at least two of said load triggering events of (a)-(y).

13 (Original). The system of claim 7 wherein said view triggering event causes a focus timer process to initiate.

Claims 14-19 (Canceled).

Appl. No. 10/784,358
Amdt. dated February 20, 2007
Reply to Office Action of November 18, 2006

Amendments to the Drawings:

Attached as an Appendix to this amendment is a replacement drawing sheet 1 of 11 showing a corrected FIG. 1.

REMARKS/ARGUMENTS

This Amendment responds to the office action mailed November 18, 2006.

The Examiner objected to the drawings. Attached as an appendix to this amendment is a substitute drawing sheet correcting FIG. 1 that overcomes the Examiner's objections.

The Examiner rejected claims 1-13 under 35 U.S.C. § 102(a) as being anticipated by Werkoven, WO 99/59097. Independent claim 1 recites the limitation of "maintaining said post-session platform in said background until a *viewer driven* view triggering event occurs." (emphasis added). Independent claim 7 recites a "post-session platform coming to said foreground . . . in response to a *viewer driven* view triggering event." Werkoven discloses a method that (1) opens a background window in response to a load triggering event, i.e. using a browser to navigate to a web page having code that instantiates the advertisement; (2) loads an advertisement into a second browser in a background window; and (3) automatically moves the advertisement to the foreground once it has fully loaded. The applicant previously argued that the movement to the foreground was from a "viewer-driven view triggering event." The Examiner's responds that the "completion of loading" is viewer driven, because the viewer navigated to the web page triggering the advertisement in the first place.

The applicant has amended each of claims 1 and 7 to provide the additional limitation of "said view triggering event being an action taken by a viewer, and different from said load triggering event." Werkoven fails to disclose this limitation. Therefore, claims 1 and 7 as well as their respective dependent claims 2-6 and 8-13 patentably distinguish over the cited prior art.

In view of the foregoing amendments and remarks, the applicant respectfully requests reconsideration and allowance of claims 1-13.

Respectfully submitted,



Kurt Rohlf
Reg. No. 54,405
Tel: 503-227-5631

Appl. No. 10/784,358
Amdt. dated February 20, 2007
Reply to Office Action of November 18, 2006

Appendix

Attached to this amendment is a replacement drawing sheet 1 showing a corrected FIG. 1.



Replacement Sheet

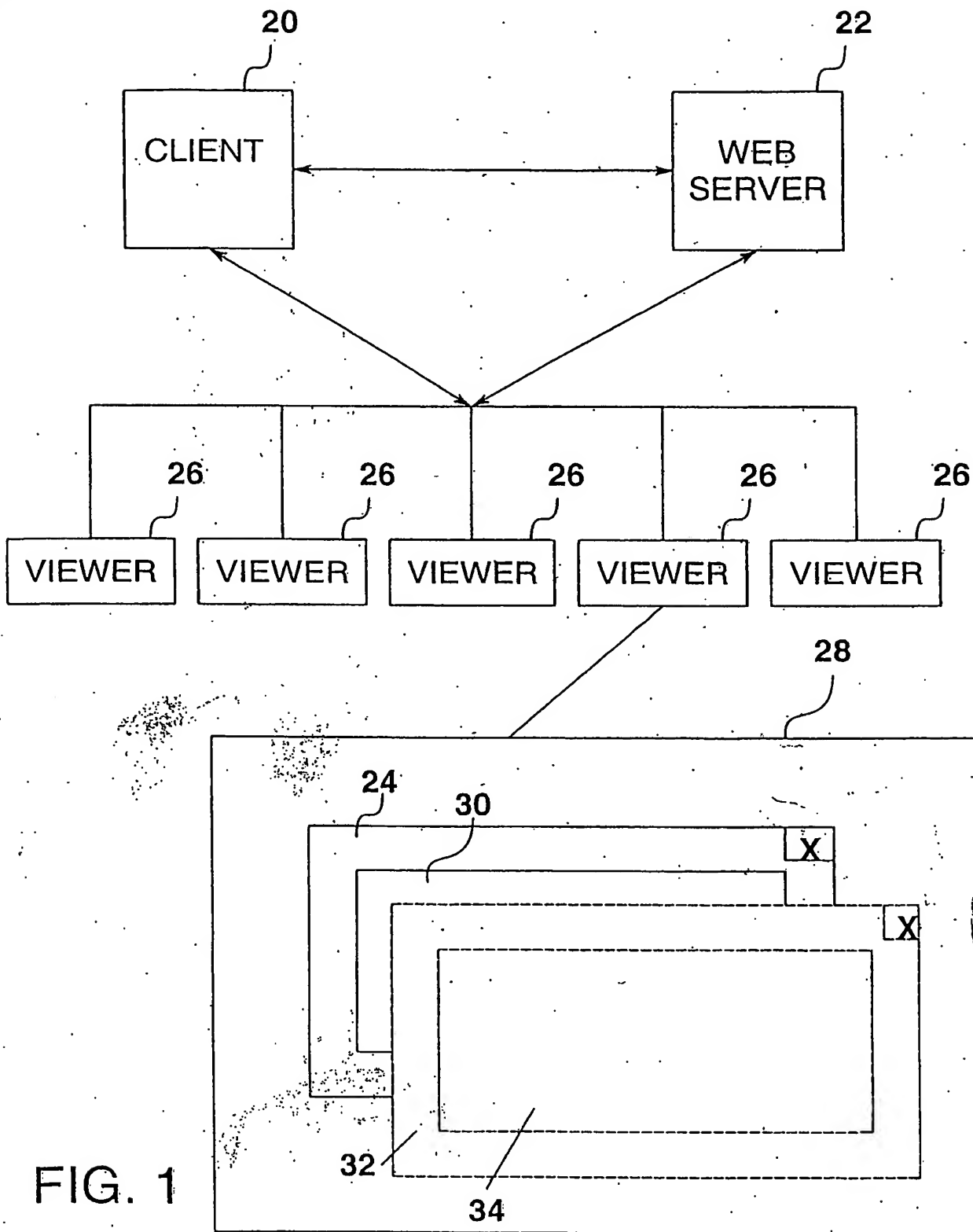


FIG. 1

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Request For Continued Examination Transmittal

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



Application Number	10/784,358
Filing Date	February 23, 2004
First Named Inventor	Andrew Vilcauskas
Art Unit	3622
Examiner Name	Michael Bekerman
Attorney Docket Number	8096.0011

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 C.F.R. 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
ii. ☐ Other _____

- b. ☒ Enclosed

- i. ☒ Amendment/Reply
ii. ☐ Affidavit(s)/Declaration(s)
iii. ☐ Information Disclosure Statement (IDS)
iv. ☐ Other _____

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. 1.17(f) required)
b. ☐ Other _____

3. **Fees** The RCE fee under 37 C.F.R. 1.17(e) is required by 37 C.F.R. 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 03-1550. I have enclosed a duplicate copy of this sheet.

- i. ☐ RCE fee required under 37 C.F.R. 1.17(e)
ii. ☐ Extension of time fee (37 C.F.R. 1.136 and 1.17)
iii. ☐ Other _____

- b. ☒ Check in the amount of \$ 395 enclosed

- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature		Date	February 20, 2007
Name (Print /Type)	Kurt Rohlf	Registration No. (Attorney/Agent)	54,405

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature	
Name (Print /Type)	Kurt Rohlf
Date	February 20, 2007

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

02/26/2007 AWONDAF1 00000096 10784358

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**PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)
FY 2005**

(Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)

Docket Number (Optional)

8096.0011

Application Number 10/784,358

Filed February 23, 2004

For POST-SESSION INTERNET ADVERTISING SYSTEM

Art Unit 3622

Examiner Michael Bekerman

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

	Fee	Small Entity Fee	
<input checked="" type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$120	\$60	\$60
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$450	\$225	\$
<input type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$1020	\$510	\$
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1590	\$795	\$
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2160	\$1080	\$

☒ Applicant claims small entity status. See 37 CFR 1.27.☒ A check in the amount of the fee is enclosed.☐ Payment by credit card. Form PTO-2038 is attached.☐ The Director has already been authorized to charge fees in this application to a Deposit Account.☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, toDeposit Account Number 03-1550. I have enclosed a duplicate copy of this sheet.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the ☐ applicant/inventor.☐ assignee of record of the entire interest. See 37 CFR 3.71

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

☒ attorney or agent of record. Registration Number 54,405☐ attorney or agent under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34. _____

Signature

Kurt Rohlfis

Typed or printed name

February 20, 2007

Date

503-227-5631

Telephone Number

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of 2 forms are submitted.

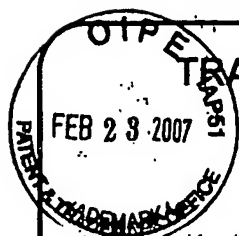
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This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



TRANSMITTAL FORM <small>(to be used for all correspondence after initial filing)</small>		Application Number	10/784,358
		Filing Date	February 23, 2004
		First Named Inventor	Andrew Vilcauskas
		Art Unit	3622
		Examiner Name	Michael Bekerman
Total Number of Pages in This Submission	17	Attorney Docket Number	8096.0011

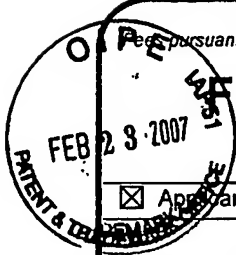
ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) ____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Request for Continued Examination Return Post Card Check in the amount of \$60 Check in the amount of \$395
Remarks The Commissioner is hereby authorized to charge any additional fees, or credit any overpayment, to Deposit Account No. 03-1550.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm	Chernoff Vilhauer McClung & Stenzel, LLP 1600 ODS Tower 601 S.W. Second Avenue Portland, OR 97204		
Signature			
Printed Name	Kurt Rohlfis		
Date	February 23, 2004	Reg. No.	54,405

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name	Kurt Rohlfis	Date	February 23, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



Filed pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FREE TRANSMITTAL for FY 2006

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 455

Complete if Known

Application Number	10/784,358
Filing Date	February 23, 2004
First Named Inventor	Andrew Vilcauskas
Examiner Name	Michael Bekerman
Art Unit	3622
Attorney Docket No.	8098.0011

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify) : _____
☒ Deposit Account Deposit Account Number: 03-1550 Deposit Account Name: Chernoff Vilhauer McClung & Stenzel LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
☒ Charge any additional fee(s) or underpayments of fee(s) ☒ Credit any overpayments

Under 37 CFR 1.16 and 1.17
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180
Total Claims	Extra Claims	Fee (\$)
_____ -20 or HP= _____ x _____ = _____		
HP = highest number of total claims paid for, if greater than 20.		
Indep. Claims	Extra Claims	Fee (\$)
_____ - 3 or HP= _____ x _____ = _____		
HP = highest number of independent claims paid for, if greater than 3.		

3. APPLICATION SIZE FEE

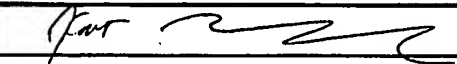
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____ - 100 = _____	/ 50 = _____	(round up to a whole number) x _____	= _____	

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)	
Other (e.g., late filing surcharge) : RCE (\$395) and One month Extension (\$60)	\$455

SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	54,405	Telephone	503-227-5631
Name (Print/Type)	Kurt Rohlf			Date February 20, 2007	

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT APPLICATION FEE DETERMINATION RECORD

Effective October 1, 2003

Application or Docking Number

101784358
0784358

CLAIMS AS FILED - PART I

	(Column 1)	(Column 2)
TOTAL CLAIMS	19	
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	19 minus 20 =	
INDEPENDENT CLAIMS	4 minus 3 =	1
MULTIPLE DEPENDENT CLAIM PRESENT <input type="checkbox"/>		

* If the difference in column 1 is less than zero, enter "0" in column 2

7/28/06 CLAIMS AS AMENDED - PART II

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	13	Minus	20
Independent	2	Minus	4
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	12	Minus	20
Independent	2	Minus	4
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT C	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total		Minus	
Independent		Minus	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

* If the entry in column 1 is less than the entry in column 2, enter "0" in column 3.
 * If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".
 * If the "Highest Number Previously Paid For" ON THIS SPACE is less than 3, enter "3".
 * The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

SMALL ENTITY TYPE ☐

OR OTHER THAN SMALL ENTITY

RATE	FEE	OR	RATE	FEE
BASIC FEE	385.00		BASIC FEE	770.00
XS 9=			XS 16=	
X43=	43		X86=	
+145=			+290=	
TOTAL	428		TOTAL	

RATE	ADDITIONAL FEE	OR	RATE	ADDITIONAL FEE
XS 9=			XS 18=	
X43=			X86=	
+145=			+290=	
TOTAL			TOTAL	

RATE	ADDITIONAL FEE	OR	RATE	ADDITIONAL FEE
XS 9=			XS 18=	
X43=			X86=	
+145=			+290=	
TOTAL			TOTAL	

RATE	ADDITIONAL FEE	OR	RATE	ADDITIONAL FEE
XS 9=			XS 18=	
X43=			X86=	
+145=			+290=	
TOTAL			TOTAL	



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,358	02/23/2004	Andrew J. Vilcauskas JR.	KLR/KAR:8096.0011	8814
152	7590	10/18/2006	EXAMINER	
CHERNOFF, VILHAUER, MCCLUNG & STENZEL 1600 ODS TOWER 601 SW SECOND AVENUE PORTLAND, OR 97204-3157			BEKERMANN, MICHAEL	
			ART UNIT	PAPER NUMBER
			3622	

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/784,358	VILCAUSKAS ET AL.	
	Examiner	Art Unit	
	Michael Bekerman	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 July 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is responsive to papers filed on 7/28/2006.

1. The declaration filed on 7/28/2006 under 37 CFR 1.131 has not been considered for the following reason: The declaration was filed for the present case, but appears to be in reference to a different application (09/866,425). Further, it is not clear as to why this declaration has been referenced in applicant's arguments for this case. A proper declaration should recite the information that is relevant to the present application.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 38 and 40. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

Art Unit: 3622

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1-13 are rejected under 35 U.S.C. 102(a) as being anticipated by

Werkhoven (WO 99/59097). Werkhoven shows a post-session advertising system and method that includes all of the limitations recited in the above claims.

Regarding claims 1, 2, 4 and 7-12, Werkhoven teaches the displaying of a first display on a web browser in the foreground of a computer(when user opens a Web Page) (Page 4, Lines 1-6, and Figure 1), the initiating of a load triggering event (opening the web page) (Page 4, Lines 1-6, and Figure 1), the opening of a post-session web browser in the background of the computer (the background window is a post-session platform) (Page 4, Lines 1-6, and Figure 1), the displaying of a post-session display on the background window (the advertisement) (Page 4, Lines 1-6, and Figure 1), and the maintaining of the background window in the background until a view triggering event occurs (the loading of the advertisement completes), thus bringing it to the foreground (the loading of the advertisement occurs due to a viewer triggered event of opening a web page) (Page 4, Lines 1-6, and Figure 1).

Regarding claim 3, Werkhoven teaches that there is a predetermined time interval before the post-session window disappears (Claim 3).

Regarding claims 5 and 13, Werkhoven teaches that a certain time period lapses before the window goes away. This is taken to read on the focus timer process. (Page 4, Lines 5-6).

Regarding claim 6, Werkhoven teaches the waiting of a predetermined time interval before being able to open the post-session platform (Claim 4).

Response to Arguments

4. **In response to the 102(e) rejections**, applicant argues "The Examiner does not allege that the prior art discloses a viewer driven view triggering event". However, the opening of the web page causes the loading of the advertisement to occur which causes the background window to advance forward. The opening of the web page is a viewer triggered event.

5. **In response to the drawings objection**, applicant has submitted a new drawing sheet. However, the new drawing sheet appears to be identical to the old drawing sheet, and therefore, does not cure the cited deficiencies.

Conclusion

6. **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Bekerman whose telephone number is (571) 272-3256. The examiner can normally be reached on Monday - Friday, 7:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric W. Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MB


JEFFREY D. CARLSON
SENIOR EXAMINER

Index of Claims



Application/Control No.

10/784,358

Examiner

Michael Bekerman

Applicant(s)/Patent under
Reexamination

VILCAUSKAS ET AL.

Art Unit

3622

X	Rejected
=	Allowed

-	(Through numeral) Cancelled
+	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

Claim		Date							
Final	Original	1/9/06	10/6/06						
	1	X	x						
	2	X	x						
	3	X	x						
	4	X	x						
	5	X	x						
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	7	X	x						
	8	X	x						
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Andrew J. Vilcauskas, Jr. et al.

Group Art Unit: 3622

U.S. Pat. App. No.: 10/784,358

Examiner: Michael Bekerman

Filed: February 23, 2004

Confirmation No.: 8814

Title: POST-SESSION INTERNET ADVERTISING SYSTEM

AMENDMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

July 25, 2006

1600 ODS Tower
601 SW Second Avenue
Portland, OR 97204

Dear Sir:

In response to the Office Action mailed January 25, 2006, please amend the above-identified application as follows:

Amendments to the Specification are not included in this paper.

Amendments to the Claims are reflected in the listing of claims that begins on page 2 of this paper.

Amendments to the Drawings begin on page 7 of this paper.

Remarks/Arguments begin on page 8 of this paper.

An Appendix is included at page 10 of this paper.

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1 (Currently Amended). A post-session advertising ~~system~~ method for use in a media having a background and a foreground, comprising the steps of:

- (a) displaying a first display in a first platform in said foreground of said media;
- (b) initiating a load triggering event;
- (c) opening a post-session platform in response to said load triggering event in said background of said media;
- (d) displaying a post-session display on said post-session platform; and
- (e) maintaining said post-session platform in said background until a viewer driven view triggering event occurs.

2 (Currently Amended). The ~~system~~ method of claim 1 wherein said steps of displaying a first display in a first platform and said step of opening a post-session platform further include the steps of displaying a first display in a first interactive media platform and opening a post-session interactive media platform, respectively.

3 (Currently Amended). The ~~system~~ method of claim 1, further comprising the step of timing the duration from said view triggering event to said platform being closed.

4 (Currently Amended). The ~~system~~ method of claim 1, further comprising the step of bringing said post-session platform to the foreground in response to a view triggering event.

5 (Original). The method of claim 1, further comprising the step of timing the duration said post-session platform remains in the foreground.

6 (Original). The method of claim 1, wherein said step of opening a post-session platform in response to said load triggering event is forgone if a predetermined time period has not elapsed.

7 (Original). A post-session advertising system for use in a media having a background and a foreground, said system comprising:

- (a) a first platform for displaying a first display in said foreground of said media;
- (b) a post-session platform for displaying a post-session display in said background of said media in response to a load triggering event;
- (c) a Web server for providing a link to said post session display in response to said load triggering event;
- (d) said post-session platform coming to said foreground of said media in response to a viewer driven view triggering event.

8 (Original). The system of claim 7 wherein said media is selected from a group consisting of:

- (a) a communication device;
- (b) a computer;
- (c) personal digital assistant;
- (d) telephone;
- (e) television; and
- (f) radio.

9 (Original). The system of claim 7 wherein said first and post-session displays are selected from a group consisting of:

- (a) a Web site;
- (b) a Web page;
- (c) interactive media;

- (d) video broadcast content; and
- (e) audio broadcast content.

10 (Original). The system of claim 7 wherein said first and post-session platforms are selected from a group consisting of:

- (a) a Web browser;
- (b) a television channel;
- (c) a telephone line;
- (d) a radio station;
- (e) streaming media;
- (f) content delivery applications;
- (g) media viewing technology; and
- (h) interactive technology.

11 (Original). The system of claim 7 wherein said load triggering event is selected from a group consisting of:

- (a) clicking on an off-site link;
- (b) entering a new address;
- (c) load;
- (d) unload;
- (e) click;
- (f) resize;
- (g) submit;
- (h) focus;
- (i) blur;
- (j) move;
- (k) key press;
- (l) select;

- (m) change;
- (n) refresh;
- (o) open;
- (p) close;
- (q) redirect;
- (r) enter;
- (s) exit;
- (t) end of program;
- (u) beginning of program;
- (v) end of session;
- (w) change of service;
- (x) time; and
- (y) a combination of at least two of said load triggering events of (a)-(x).

12 (Original). The system of claim 7 wherein said view triggering event is selected from a group consisting of:

- (a) closing said first platform;
- (b) selecting said post-session platform;
- (c) clicking on an off-site link;
- (d) entering a new address;
- (e) load;
- (f) unload;
- (g) click;
- (h) resize;
- (i) submit;
- (j) focus;
- (k) blur;
- (l) move;

- (m) key press;
- (n) select;
- (o) change;
- (p) refresh;
- (q) open;
- (r) redirect;
- (s) enter;
- (t) exit;
- (u) end of program;
- (v) beginning of program;
- (w) end of session
- (x) change of service;
- (y) time; and
- (z) a combination of at least two of said load triggering events of (a)-(y).

13 (Original). The system of claim 7 wherein said view triggering event causes a focus timer process to initiate.

Claims 14-19 (Canceled).

Appl. No. 10/784,358
Amdt. dated July 25, 2006
Reply to Office Action of Jan. 25, 2006

Amendments to the Drawings:

Attached as an Appendix to this amendment is a replacement drawing sheet 1 of 11 showing a corrected FIG. 1.

REMARKS/ARGUMENTS

This Amendment responds to the office action mailed January 25, 2006.

The Examiner objected to the drawings because reference numerals 38 and 40, shown in FIG. 1, were not described in the specification. Attached as an appendix to this amendment is a substitute drawing sheet correcting FIG. 1 to remove these reference numerals.

The Examiner rejected claims 1-6 under 35 U.S.C. § 112, second paragraph because independent claim 1 was directed to a “system”, yet recited steps. Independent claim 1 has been amended so that it is directed to a method.

The Examiner rejected claims 1-13 under 35 U.S.C. § 102(a) as being anticipated by Werkoven, WO 99/59097. The Examiner’s rejection is improper as the Examiner has failed to properly assert that the cited reference teaches all claim limitations. Specifically, independent claim 1 recites the limitation of “maintaining said post-session platform in said background until a *viewer driven* view triggering event occurs.” (emphasis added). Similarly, independent claim 7 recites the limitation of a “post-session platform coming to said foreground of said media in response to a *viewer driven* view triggering event.” The Examiner does not allege that the prior art discloses a *viewer driven* view triggering event; instead, the Examiner simply asserts that the cited reference discloses loading an advertisement into a background window and bringing it into the foreground in response to a view-triggering event, which is disclosed in the cited reference as the completion of the advertisement being loaded. Thus, the prior art view-triggering event is not viewer-driven, but occurs automatically irrespective of anything the viewer does.

The applicant further notes that claims 1 and 7 each distinguish between load triggering events and view triggering events, i.e. a load triggering event is something that initiates loading an advertisement in a window, while a viewer driven view triggering event is something subsequent that the viewer does to bring the advertisement to the foreground once the advertisement is loaded. The specification at p. 13 lines 27-38 describes exemplary viewer driven view triggering events. The cited reference describes only one view triggering event – completion of loading – that is not viewer driven, and therefore does anticipate any of the presented claims.

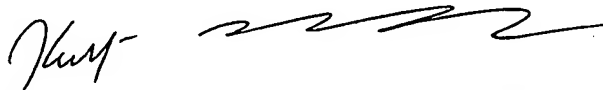
Appl. No. 10/784,358
Amdt. dated July 25, 2006
Reply to Office Action of Jan. 25, 2006

Enclosed with this amendment is a copy of a declaration under 35 U.S.C. § 131 that antedates the pornrodeo source code, which is prior art of record with respect to the priority date of this application. This declaration was filed in co-pending, related Application No. 09/866,425.

In view of the foregoing amendments and remarks, the applicant respectfully requests reconsideration and allowance of claims 1-13.

Respectfully submitted,

CHERNOFF, VILHAUER, McCLUNG & STENZEL, LLP

A handwritten signature in black ink, appearing to read "Kurt", followed by a long, horizontal, wavy line that extends to the right.

Kurt Rohlf
Reg. No. 54,405
Tel: 503-227-5631
Fax: 503-228-4373

Appl. No. 10/784,358
Amdt. dated July 25, 2006
Reply to Office Action of Jan. 25, 2006

Appendix

Attached to this amendment is a replacement drawing sheet 1 of 11 showing a corrected
FIG. 1.

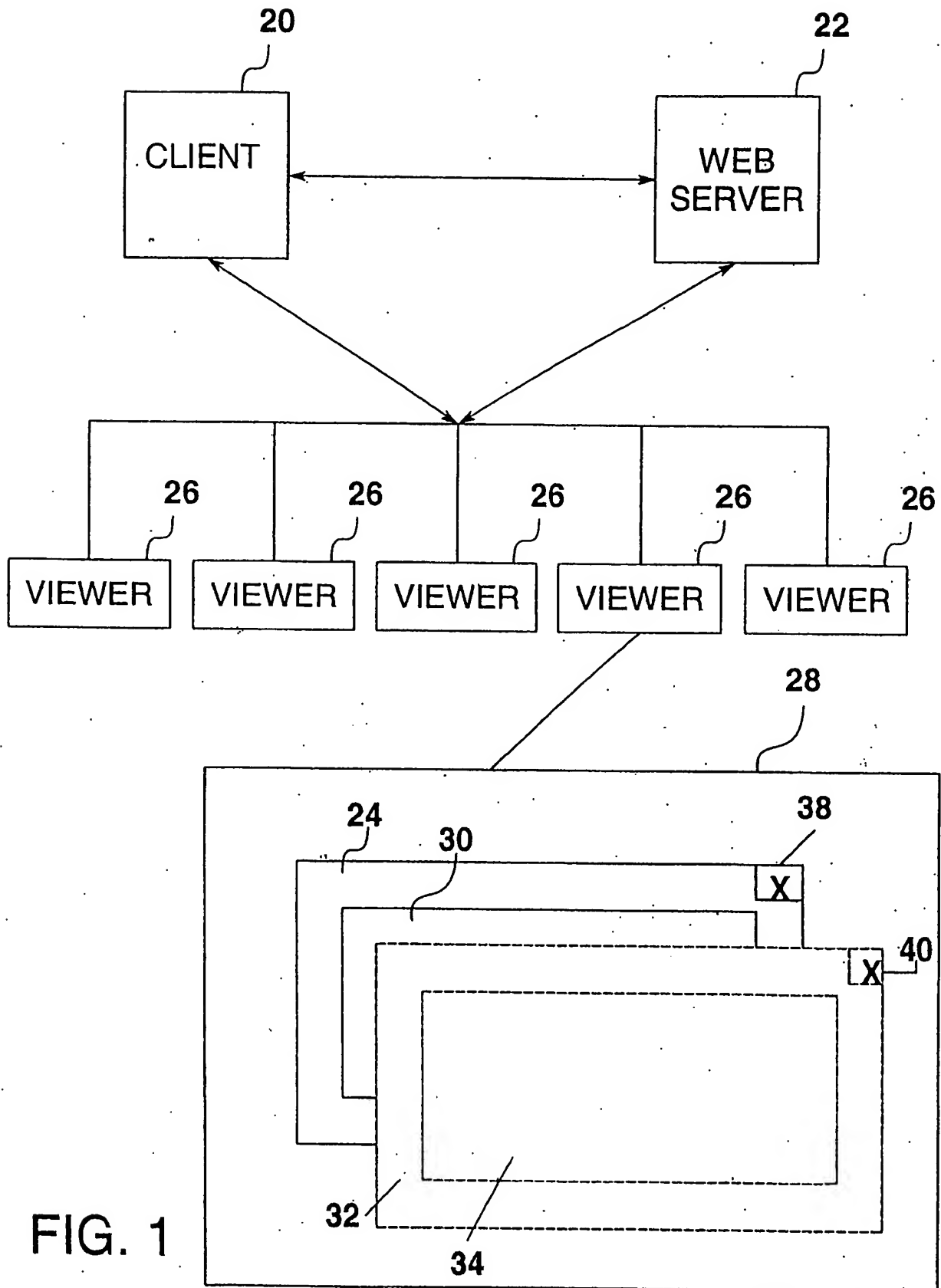


FIG. 1



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT APPLICATION EXAMINING OPERATIONS**

Appl. No. : 09/866,425
Applicant : Vilkauskas et al.
Filed : May 24, 2001
TC/A.U. : 2167
Examiner : Wassum, Luke S.
Docket No. : KLR:8096.0008
Customer No. : 00152

Confirmation No. 5992

**DECLARATION OF PRIOR INVENTION IN THE UNITED STATES
TO OVERCOME CITED PATENT OR PUBLICTAION (37 C.F.R. § 131)**

1600 ODS Tower
601 S.W. Second Avenue
Portland, OR 97204

December 13, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PURPOSE OF DECLARATION

1. This declaration is to establish reduction to practice of the claimed invention of this application in the United States at a date prior to October 13, 1999, which is the effective date of the "Pornrodeo" reference cited by the Examiner.
2. The persons making this declaration are the surviving inventors, Andrew Vilcauskas, Jr., and Robert Bloodgood, III. Matthew Middleton is deceased.

FACTS AND DOCUMENTARY EVIDENCE


3. Attached to this declaration is an Exhibit showing an html document containing a script that, when executed in a foreground browser window, opens another browser window containing content such as an advertisement, which is then a background browser window.
4. Referring to the Exhibit, the "<body" and "</body>" tags define a body section of the html document.
5. The "<script>" and "</script>" tags define a Java-based script section of the html document.

6. The body of the html document is executed within the browser.
7. The "onUnload" event within the body causes the script "exiting()" to execute when, for example, the browser window is changed to a new address.
8. The script "exiting()" executes the "window.open
("http://www.happytime.com")" method which opens a new browser window with the specified address http://www.happytime.com.
9. The script "exiting()" includes comments denoted by "/*".
10. The script "exiting()" then executes the "window.focus()" method which brings the browser window, where the address was changed to a new address, to the foreground.
11. The effect of the script "exiting()" defined between "<script>" and "</script>", that is called upon the "onUnload" event, is to open a new browser window to the specified address, and bring the browser window with the changed address to the foreground, resulting in the new browser window with the specified address being in the background.
12. The attached Exhibit is archived on a computer system at ExitExchange Corporation with an archive date prior to October 13, 1999. It was executed on an A M Enterprises, Inc. computer in the United States on a date prior to October 13, 1999, and was thereby reduced to practice in the United States on a date prior to October 13, 1999.
13. This reduction to practice is prior to the effective date of the Pomrodeo reference.
14. This declaration is submitted at a time prior to a final rejection.
15. Both Mr. Vilcauskas, Jr. and Mr. Bloodgood, III witnessed first hand the execution of the code on the Exhibit.

DECLARATION

15. As a person signing below, I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURES


Andrew Viloauskas, Jr. 12-15-05
Date

Residence Address:
921 SW Washington St. #228
Portland, Oregon 97205
USA

Citizenship: USA


Robert Bloodgood, III 12-15-05
Date

Residence Address:
236 SE 90th
Portland, Oregon 97216
USA

Citizenship: USA



Exhibit

```
<html>
<script>
function exiting() {
window.open("http://www.happytime.com");
//window.blur;
//window.focus;
window.focus();
}
</script>
<body onUnload="exiting();">
<h2>Exit Window Test for Andy</h2>
</body>
</html>
```



IPW/

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

19

Application Number

10/784,358

Filing Date

2/23/2004

First Named Inventor

Andrew J. Vilcauskas Jr.

Art Unit

3622

Examiner Name

Michael Bekerman

Attorney Docket Number

8096.0011

ENCLOSURES (check all that apply)☒ Fee Transmittal Form☒ Fee Attached☒ Amendment / Reply☐ After Final☒ Declaration Under 37 CFR §
131☒ Extension of Time Request☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority
Document(s)☐ Reply to Missing Parts/
Incomplete Application☐ Reply to Missing Parts
under 37 CFR 1.52 or 1.53☐ Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a
Provisional Application☐ Power of Attorney, Revocation
Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) _____☐ Landscape Table on CD☐ After Allowance Communication to TC☐ Appeal Communication to Board
of Appeals and Interferences☐ Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☒ Other Enclosure(s)
(please identify below):

Return Post Card

Check in the amount of \$1,020

Remarks**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm

Chernoff Vilhauer McClung & Stenzel, LLP
1600 ODS Tower
601 S.W. Second Avenue
Portland, OR 97204

Signature

Printed Name

Kurt Rohlf

Date

July 25, 2006

Reg.
No.

54,405

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature

Typed or printed name

Kurt Rohlf

Date

July 25, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2006		Complete If Known	
		Application Number	10/784,358
		Filing Date	2/23/2004
		First Named Inventor	Andrew J. Vilcauskas, Jr.
		Examiner Name	Michael Bekerman
		Art Unit	3622
Attorney Docket No.		8096.0011	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27			
TOTAL AMOUNT OF PAYMENT		(\$) 1,020	

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify) : _____

☒ Deposit Account Deposit Account Number: 03-1550 Deposit Account Name: Chernoff Vilhauer McClung & Stenzel LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) ☒ Credit any overpayments

Under 37 CFR 1.16 and 1.17

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Small Entity	Fee(\$)	Small Entity	Fee(\$)	Small Entity	Fee(\$)	
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

2. EXCESS CLAIM FEES

Fee Description	Small Entity	Fee (\$)	Fee Paid (\$)
Each claim over 20 (including Reissues)	50	25	_____
Each independent claim over 3 (including Reissues)	200	100	_____
Multiple dependent claims	360	180	_____

Total Claims **Extra Claims** **Fee(\$)** **Fee Paid (\$)**

13 -20 or HP= 0 x 50 = 0

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims **Extra Claims** **Fee(\$)** **Fee Paid (\$)**

2 - 3 or HP= 0 x 200 = 0

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____	- 100 = _____	/ 50 = _____ (round up to a whole number) x _____	_____	_____

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge) : _____

SUBMITTED BY			
Signature		Registration No. (Attorney/Agent)	54,405
Name (Print/Type)	Kurt Rohlf	Telephone	503-227-5631
		Date	July 25, 2006

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

**PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)**
FY 2005

(Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)

Docket Number (Optional)

8096.0011

Application Number 10/784,358

Filed 2/23/2004

For POST-SESSION INTERNET ADVERTISING SYSTEM

Art Unit 3622

Examiner Bekerman, Michael

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

	<u>Fee</u>	<u>Small Entity Fee</u>	
<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$120	\$60	\$
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$450	\$225	\$
<input checked="" type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$1020	\$510	\$1,020
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1590	\$795	\$
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2160	\$1080	\$

☐ Applicant claims small entity status. See 37 CFR 1.27. 07/31/2006 WASFAW1 00000002 10784358☒ A check in the amount of the fee is enclosed. 01 FC:1253 1020.00 OP☐ Payment by credit card. Form PTO-2038 is attached.☐ The Director has already been authorized to charge fees in this application to a Deposit Account.☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to

Deposit Account Number 03-1550. I have enclosed a duplicate copy of this sheet.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.I am the ☐ applicant/inventor.☐ assignee of record of the entire interest. See 37 CFR 3.71

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

☒ attorney or agent of record. Registration Number 54,405☐ attorney or agent under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34. _____

Signature

Kurt A. Rohlf

Typed or printed name

July 25, 2006

Date

503.227.3651

Telephone Number

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

PATENT APPLICATION FEE DETERMINATION RECORD

Effective October 1, 2003

Application or Docket Number

101784358
10784358

CLAIMS AS FILED - PART I

	(Column 1)	(Column 2)
TOTAL CLAIMS	19	
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	19 minus 20 =	
INDEPENDENT CLAIMS	4 minus 3 =	1
MULTIPLE DEPENDENT CLAIM PRESENT <input type="checkbox"/>		

SMALL ENTITY TYPE ☐ OR

OTHER THAN SMALL ENTITY

RATE	FEE
BASIC FEE	385.00
XS 9=	
X43=	43
+145=	
TOTAL	428

RATE	FEE
BASIC FEE	770.00
XS18=	
X86=	
+290=	
TOTAL	

* If the difference in column 1 is less than zero, enter "0" in column 2

CLAIMS AS AMENDED - PART II

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	13	Minus -20	1
Independent	2	Minus -4	1
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

SMALL ENTITY OR

OTHER THAN SMALL ENTITY

RATE	ADDITIONAL FEE
XS 9=	
X43=	
+145=	
TOTAL	
ADDIT. FEE	

RATE	ADDITIONAL FEE
XS18=	
X86=	
+290=	
TOTAL	
ADDIT. FEE	

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total		Minus	
Independent		Minus	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

RATE	ADDITIONAL FEE
XS 9=	
X43=	
+145=	
TOTAL	
ADDIT. FEE	

RATE	ADDITIONAL FEE
XS18=	
X86=	
+290=	
TOTAL	
ADDIT. FEE	

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT C	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total		Minus	
Independent		Minus	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

RATE	ADDITIONAL FEE
XS 9=	
X43=	
+145=	
TOTAL	
ADDIT. FEE	

RATE	ADDITIONAL FEE
XS18=	
X86=	
+290=	
TOTAL	
ADDIT. FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20."

* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3."

* The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/784,358

02/23/2004

Andrew J. Vilcauskas JR.

KLR/KAR:8096.0011

8814

152

7590

01/25/2006

CHERNOFF, VILHAUER, MCCLUNG & STENZEL
1600 ODS TOWER
601 SW SECOND AVENUE
PORTLAND, OR 97204-3157

EXAMINER

BEKERMANN, MICHAEL

ART UNIT

PAPER NUMBER

3622

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/784,358

Applicant(s)

VILCAUSKAS ET AL.

Examiner

Michael Bekerman

Art Unit

3622

~ The MAILING DATE of this communication appears on the cover sheet with the correspondence address ~
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/13/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 8/13/2004 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. The parent application 09/866425 was checked for references, and if any non-patent or foreign references were not found in that application, they were crossed off the IDS and not considered.

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 38 and 40. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New

Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.** Claim 1 appears to refer to be a apparatus/system claim (post-session advertising system), but is structured as a method claim by comprising steps.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. **Claims 1-13 are rejected under 35 U.S.C. 102(a) as being anticipated by Werkhoven (WO 99/59097).** Werkhoven shows a post-session advertising system and method that includes all of the limitations recited in the above claims.

Regarding claims 1, 2, 4 and 7-12, Werkhoven teaches the displaying of a first display on a web browser in the foreground of a computer(when user opens a Web Page) (Page 4, Lines 1-6, and Figure 1), the initiating of a load triggering event (opening the web page) (Page 4, Lines 1-6, and Figure 1), the opening of a post-session web browser in the background of the computer (the background window is a post-session platform) (Page 4, Lines 1-6, and Figure 1), the displaying of a post-session display on the background window (the advertisement) (Page 4, Lines 1-6, and Figure 1), and the maintaining of the background window in the background until a view triggering event occurs (the loading of the advertisement completes), thus bringing it to the foreground (Page 4, Lines 1-6, and Figure 1).

Regarding claim 3, Werkhoven teaches that there is a predetermined time interval before the post-session window disappears (Claim 3).

Regarding claims 5 and 13, Werkhoven teaches that a certain time period lapses before the window goes away. This is taken to read on the focus timer process. (Page 4, Lines 5-6).

Regarding claim 6, Werkhoven teaches the waiting of a predetermined time interval before being able to open the post-session platform (Claim 4).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following references are cited to further show the state of the art with respect to internet pop-up advertising:

U.S. Patent No. 5,737,619 to Judson


U.S. Patent No. 5,854,897 to Radziewicz

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Bekerman whose telephone number is (571) 272-3256. The examiner can normally be reached on Monday - Friday, 7:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric W. Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MB


JEFFREY D. CARLSON
PRIMARY EXAMINER



PTO/SB/08A INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)	ATTY. DOCKET NO. KLR/KAR:8096.0011	SERIAL NO. 10/784,358
	APPLICANTS Andrew Vilcauskas et al.	
	FILING DATE February 23, 2004	GROUP

REFERENCE DESIGNATION
U.S. PATENT DOCUMENTS

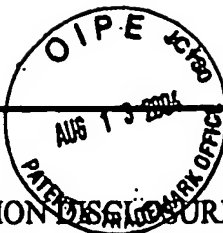
EXAMINER INITIAL	CITE NO.	DOCUMENT NUMBER	DATE	NAME	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
MB		US-4,782,463	11-1988	Sanders, et al.	
		US-4,827,508	05-1989	Shear	
		US-4,833,308	05-1989	Humble	
		US-4,850,007	07-1989	Marino, et al.	
		US-4,873,662	10-1989	Sargent	
		US-4,953,209	08-1990	Ryder, Sr., et al.	
		US-5,204,947	08-1993	Bernstein, et al.	
		US-5,305,195	04-1994	Murphy	
		US-5,321,740	06-1994	Gregorek, et al.	
		US-5,347,632	09-1994	Filepp, et al.	
		US-5,355,472	10-1994	Lewis	
		US-5,359,708	10-1994	Bloomer, et al.	
		US-5,367,621	11-1994	Cohen, et al.	
		US-5,367,623	11-1994	Iwai, et al.	
		US-5,408,659	04-1995	Cavendish, et al.	
		US-5,412,772	05-1995	Monson	
		US-5,428,529	06-1995	Hartick, et al.	
		US-5,428,670	06-1995	Gregorek, et al.	
		US-5,438,508	08-1995	Wyman	
		US-5,442,771	08-1995	Filepp, et al.	
MB		US-5,461,667	10-1995	Remillard	
		US-5,491,820	02-1996	Belove, et al.	
		US-5,511,160	04-1996	Robson	
		US-5,515,490	05-1996	Buchaman, et al.	
		US-5,530,754	06-1996	Garfinkle	
		US-5,548,746	08-1996	Egan, et al.	
		US-5,557,658	09-1996	Gregorek, et al.	



PTO/SB/08A INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)	ATTY. DOCKET NO. KLR/KAR:8096.0011	SERIAL NO. 10/784,358
	APPLICANTS Andrew Vilcauskas et al.	
	FILING DATE February 23, 2004	GROUP

U.S. Patent Documents Cont.

EXAMINER INITIAL	CITE NO.	DOCUMENT NUMBER	DATE	NAME	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US-5,572,643	11-1996	Judson	
		US-5,617,565	04-1997	Augenbraun, et al.	
		US-5,623,589	04-1997	Needham, et al.	
		US-5,623,656	04-1997	Lyons	
		US-5,630,139	05-1997	Ozaki	
		US-5,706,502	01-1998	Foley, et al.	
		US-5,737,619	04-1998	Judson	
		US-5,740,549	04-1998	Reilly, et al.	
		US-5,742,768	04-1998	Gennaro, et al.	
		US-5,754,830	05-1998	Butts, et al.	
		US-5,768,508	06-1998	Eikeland	
		US-5,781,894	07-1998	Petrecca, et al.	
		US-5,784,058	07-1998	LaStrange et al.	
		US-5,796,952	08-1998	Davis et al.	
		US-5,805,815	09-1998	Hill	
		US-5,809,242	09-1998	Shaw et al.	
		US-5,913,040	06-1999	Rakavy, et al.	
		US-5,918,239	06-1999	Allen et al.	
		US-5,933,811	08-1999	Angles, et al.	
		US-5,996,007	11-1999	Klug et al.	
		US-5,933,811	08-03-1999	Angles et al.	
		US-6,084,628	07-04-2000	Sawyer	
		US-6,118,449	09-12-2000	Rosen et al.	
		US-6,119,098	09-12-2000	Guyot et al.	
		US-6,148,332	11-14-2000	Brewer et al.	
		US-6,205,432	03-2001	Gabbard et al.	
		US-6,212,554	04-2001	Roskowski	
		US-6,248,946	01-19-2001	Dwek	



PTO/SB/08A INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)	ATTY. DOCKET NO. KLR/KAR:8096.0011	SERIAL NO. 10/784,358
	APPLICANTS Andrew Vilcauskas et al.	
	FILING DATE February 23, 2004	GROUP

U.S. Patent Documents Cont.

MB		US-6,268,856	07-2001	Bruck et al.	
MB		US-6,295,061	09-2001	Park et al.	
MB		US-6,314,451	11-06-2001	Landsman et al.	
MB		US-6,317,761	11-13-2001	Landsman et al.	
MB		US-6,446,967	10-2002	Landsman et al.	
MB		US-2002/0198778-A1	12-2002	Landsman et al.	
MB		US-2003/0004804-A1	01-2003	Landsman et al.	

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EXAMINER INITIALS	CITE NO.	FOREIGN PATENT DOCUMENT (Country Code, Number, Kind Code)	PUBLICATION DATE	NAME OF PATENTEE OR APPLICANT OF CITED DOCUMENT	PAGES, COLUMNS, LINES, WHERE RELEVANT PASSAGES OR RELEVANT FIGURES APPEAR
MB		JP 2000148802	05-20-2000	Itakura et al.	
		KR 2000054099	09-05-2000	Shin	
		JP 2000 - 148802	05-30-2000		
		GB 2281434	03-1995		
		JP 9114781	03-1997		
		KR 9778058	12-1997		
		WO 9630864	10-1996		
		KR 20000 054099	09-05-2000		

NON PATENT LITERATURE DOCUMENTS

(Include name of Author (in CAPITAL LETTERS), Title, title of the item (book, magazine, journal, serial symposium, catalog, etc.), Date, Page(s), volume-issue number(s), publisher, city and/or country where published.

		MICHALSKI, "Content in Context", RELease, I.O, vol. 94, No. 9, Sep. 27, 1984, pp. 1-13
		DEVONEY, "Using PCDOS", 1986, p. 340
		PIKE et al., Using Mosaic, 1994, p. 82-85, 222-223.
		BAKER, "Hypertext Browsing in the Internet", UNEX Review, vol. 12, No. 9, Sep. 1994, pp. 21-26.
		GLINN, Power in Pictures, Computer Shopper, Nov. 1994, Vol. 14, No. 11, p. 5998-600.
		SPRY, Airmos, "http Windows Help File", Apr. 3, 1995, Browsing with Mosaic, The SPRY Mosaic Console Gunn, Power in Pictures, Computer Shopper, Nov. 1994, vol. 14, No. 11, pp. 598-600.

PTO/SB/08A INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)	ATTY. DOCKET NO. KLR/KAR:8096.0011	SERIAL NO. 10/784,358
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(Include name of Author (in CAPITAL LETTERS), Title, title of the item (book, magazine, journal, serial symposium, catalog, etc.), Date, Page(s), volume-issue number(s), publisher, city and/or country where published.

	MCARTHUR, "World Wide Web & HTML", Dr. Dobb's Journal, Dec. 1994.
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	ABERNATHY, "Create a Custom Newspaper", PC World, Vol. 13, No. 8, P. 66, Aug. 1995
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	GROBE, Michael, "HTML Quick Reference", Oct. 11, 1995, Academic Computing Services, University of Kansas.
MB	OLIVER, Netscape 2 Unleashed, Sams.net Publishing, Feb. 1996, p. 36, 37, 40, 41, 205-210, 49998, 576, and 577.
	HODGES, Jane, "Marketers play Web games as serious biz", Mar. 11, 1996, (Advertising Age).
	TAYLOR, Cathy, "Going Beyond the Banner", Jul. 08, 1996, pp. 36-41 (Brand week 1996).
MB	TETRODE, M. "Question Two Windows", discussion thread from the newsgroup comp.lang.javascript, 26 August 1996.
	SREENIVASAN, S., "The World Wide Wait: Don't Get Mad, Get IOH", The New York Times, Sep. 30, 1996, P. C5.
MB	PORKAEW, K. "How to Raise a Window on Top?", discussion thread from the newsgroup comp.lang.javascript, October 10, 1996.
	Broadcasting an Array of Data: Turn your passive Website into a proactive service, Internet Magazine, Dec. 1996, Vol. 1, Issue 1, p. 37
	GEORGIA, Bonny L., "Browsing without a Net" Internet Magazine, Dec. 1996, vol. 1, Issue 1, pp. 85-96.
	KELLY et al., "Push! Kiss your Browser goodbye: The radical future of media beyond the Web," Wired Magazine, Mar. 1997, pp. 12-23.
MB	MCNEIRNEY, J. "Chan Window Focus", discussion thread from the newsgroup comp.lang.javascript, April 3, 1997.
MB	Millward Brown Interactive, "Evaluating the Effectiveness of the SUPERSTITIAL," Unicast SUPERSTITIAL Rich Media Effectiveness Study; Report of Findings, at least as early as October 1999, 16 pages.
MB	Web page printout, Press Release "Leading Online Ad Networks and Ad Management Solutions Flycast, Doubleclick, Adsmart, and Netgravity to Offer Unicast's Superstitial Rich Media Advertising Format to Advertisers and Sites, at least as early as October 18, 1999.
MB	"KillAd - Kill Advertising Popup Windows Easily," FCS, download of www.win.wplus.net/pp/fsc, 1998-1999.

PTO/SB/08A	ATTY. DOCKET NO. KLR/KAR:8096.0011	SERIAL NO. 10/784,358
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)	APPLICANTS Andrew Vilcauskas et al.	
	FILING DATE February 23, 2004	GROUP

NON PATENT LITERATURE DOCUMENTS

(Include name of Author (in CAPITAL LETTERS), Title, title of the item (book, magazine, journal, serial symposium, catalog, etc.), Date, Page(s), volume-issue number(s), publisher, city and/or country where published.

MB	DAWSON, Kendall, "Who Started Popup Advertising and Why?", download of www.4degreez.com/popepsmustdie/history.htm , 1999.
MB	Porn Rodeo, source code of the < www.pornrodeo.com > websites of October 13, 1999.
MB	HOPPLE, Richard, White Paper, "Creative Flexibility in the Digital World", www.unicast.com/presroom/whitepapers/flexibility.html , at least as early as May 21, 2001.
MB	Porn Rodeo, source code of the < www.pornrodeo.com > websites of 15 November 1999.
MB	"PopUp Killer," ULTIWARE, Download of www.ultiware.com/popup.htm , 1999-2000.
MB	REWICK, Jennifer, "Choices, Choices: A Look at the Pros and Cons of Various Types of Web Advertising," April 23, 2001, The Wall Street Journal, 7 pages.
MB	Web page printout, "How it Works," www.unicast.com/superstital/howitworks.html , at least as early as May 22, 2001.
MB	MATSKIN, M., "Collaborative Advertising over Internet with Agents," Proceedings of the 12th International Workshop on Database and Expert Systems, pp. 509-513, 3-7 September 2001.
MB	THOMPSON, M., "Creating a Pop-Under Window", download from < www.coderproject.com >, 27 December 2001.
MB	FLANAGAN, D., "JavaScript: The Definitive Guide", Sebastopol: O'Reilly, pp. 199-224, 635-681, Fourth Edition, 2002. QA76.73.J39 F53 2002. ISBN 0-596-00048-0.
MB	"PATNEWS: Popunder ad patent app busting; Konrad patents still busted," PATNEWS newsletter forwarded on Wednesday, July 17, 2002, 5 pages.
	Porn Rodeo Code taken from the Wayback Machine's archived version of Porn Rodeo's October 13, 1999 website. Downloaded 8/02. 1 page.
	Four screen shots of the Porn Rodeo Website and pop-up and/or pop under activity. At the time the screen shots were taken (8-23-02) it was not possible to get the pop-under feature to work properly and applicants do not admit that these screen shots show the claimed invention. Prepared 8-23-02, 4 pages.
MB	RANGANATHAN, A. and CAMPBELL, R.H., "Advertising in a Pervasive Computing Environment", Proceedings of the 2nd International Conference on Mobile Computing and Networking, pp. 10-14, September 2002.
MB	CRAWLEY, M., "Popups and Popynders", downloaded from < www.onlinesoldier.com > on 27 January 2003.
EXAMINER	DATE CONSIDERED 1-8-06
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

Notice of References Cited	Application/Control No. 10/784,358	Applicant(s)/Patent Under Reexamination VILCAUSKAS ET AL.	
	Examiner Michael Bekerman	Art Unit 3622	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-5,737,619	04-1998	Judson, David Hugh	715/500
*	B	US-5,854,897	12-1998	Radziewicz et al.	709/224
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N	WO 9959097	11-1999		Werkhoven, Richard	G06F 19/00
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Index of Claims



Application/Control No.

10/784,358

Examiner

Michael Bekerman

Applicant(s)/Patent under
Reexamination

VILCAUSKAS ET AL.

Art Unit

3622

X	Rejected
=	Allowed

-	(Through numeral) Cancelled
+	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

Claim		Date									
Final	Original	1/9/08									
	1	X									
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Search Notes

Application/Control No.

10/784,358

Examiner

Michael Bekerman

Applicant(s)/Patent under
Reexamination

VILCAUSKAS ET AL.

Art Unit

3622

SEARCHED

Class	Subclass	Date	Examiner

INTERFERENCE SEARCHED

Class	Subclass	Date	Examiner

**SEARCH NOTES
(INCLUDING SEARCH STRATEGY)**

	DATE	EXMR
East Text Search	1/9/2006	MB

	Hits	Search Text	DBs	Comments
1	0	((pop adj up) or pop-up) near2 advertis\$7 same (background and foreground) and (@ad<"20000526" or @rlad<"20000526")	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	
2	3	((pop adj up) or pop-up) near2 advertis\$7 and (background and foreground) and (@ad<"20000526" or @rlad<"20000526")	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	KWIC & Abstract
3	5	((pop adj up) or pop-up) with advertis\$7 and (background and foreground) and (@ad<"20000526" or @rlad<"20000526") not S2	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	KWIC & Abstract
4	4	popup with advertis\$7 and (background and foreground) and (@ad<"20000526" or @rlad<"20000526") not S2	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	KWIC & Abstract
5	1	("6185586").PN.	US-PGPUB; USPAT	
6	1	("5737619").PN.	US-PGPUB; USPAT	
7	3	((pop adj up) or pop-up) near2 advertis\$7 and (background and foreground) and (@ad<"20000526" or @rlad<"20000526")	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	
8	37	advertis\$7 same (background and foreground) and (@ad<"20000526" or @rlad<"20000526") not S10	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	Titles
9	1	"10784358"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	

PATENT APPLICATION FEE DETERMINATION RECORD

Effective October 1, 2003

Application or Docket Number

101784358
10784358

CLAIMS AS FILED - PART I

	(Column 1)	(Column 2)
TOTAL CLAIMS	19	
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	19 minus 20 =	
INDEPENDENT CLAIMS	4 minus 3 =	1
MULTIPLE DEPENDENT CLAIM PRESENT <input type="checkbox"/>		

* If the difference in column 1 is less than zero, enter "0" in column 2

CLAIMS AS AMENDED - PART II

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	•	Minus	=
Independent	•	Minus	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

SMALL ENTITY TYPE ☐

OR OTHER THAN SMALL ENTITY

RATE	FEE
BASIC FEE	385.00
XS 9=	
X43=	43
+145=	
TOTAL	428

RATE	FEE
BASIC FEE	770.00
XS18=	
X86=	
+290=	
TOTAL	

SMALL ENTITY OR

OTHER THAN SMALL ENTITY

RATE	ADDITIONAL FEE
XS 9=	
X43=	
+145=	
TOTAL ADDIT. FEE	

RATE	ADDITIONAL FEE
XS18=	
X86=	
+290=	
TOTAL ADDIT. FEE	

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	•	Minus	=
Independent	•	Minus	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

RATE	ADDITIONAL FEE
XS 9=	
X43=	
+145=	
TOTAL ADDIT. FEE	

RATE	ADDITIONAL FEE
XS18=	
X86=	
+290=	
TOTAL ADDIT. FEE	

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT C	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	•	Minus	=
Independent	•	Minus	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

RATE	ADDITIONAL FEE
XS 9=	
X43=	
+145=	
TOTAL ADDIT. FEE	

RATE	ADDITIONAL FEE
XS18=	
X86=	
+290=	
TOTAL ADDIT. FEE	

- * If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
- * If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20."
- * If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3."
- * The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.



I FW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT APPLICATION EXAMINING OPERATIONS

Appln No.:	10/784,358	Confirmation No.:
Applicant :	Vilcauskas, et al.	TC/A.U.:
Filed :	February 23, 2004	Examiner: .
Customer No:	00152	Dkt No.: KLR/KAR:8096.008
Title :	POST-SESSION INTERNET ADVERTISING SYSTEM	

PRELIMINARY AMENDMENT

1600 ODS Tower
601 S.W. Second Avenue
Portland, OR 97204-3157

August 10, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Amendments to the claims begin on page 2 of this paper:

Remarks begin on page 5 of this paper.

Amendments to the Claims

1(Original). A post-session advertising system for use in a media having a background and a foreground, comprising the steps of: (a) displaying a first display in a first platform in said foreground of said media; (b) initiating a load triggering event; (c) opening a post-session platform in response to said load triggering event in said background of said media; (d) displaying a post-session display on said post-session platform; and (e) maintaining said post-session platform in said background until a viewer driven view triggering event occurs.

2(Original). The system of claim 1 wherein said steps of displaying a first display in a first platform and said step of opening a post-session platform further include the steps of displaying a first display in a first interactive media platform and opening a post-session interactive media platform, respectively.

3(Original). The system of claim 1, further comprising the step of timing the duration from said view triggering event to said platform being closed.

4(Original). The system of claim 1, further comprising the step of bringing said post-session platform to the foreground in response to a view triggering event.

5(Original). The method of claim 1, further comprising the step of timing the duration said post-session platform remains in the foreground.

6(Original). The method of claim 1, wherein said step of opening a post-session platform in response to said load triggering event is forgone if a predetermined time period has not elapsed.

7(Original). A post-session advertising system for use in a media having a background and a foreground, said system comprising: (a) a first platform for displaying a first display in said foreground of said media; (b) a post-session platform for displaying a post-session display in said background of said media in response to a load triggering event; (c) a Web server for providing a link to said post session display in response to said load triggering event; (d) said post-session platform coming to said foreground of said media in response to a viewer driven view triggering event.

8(Original). The system of claim 7 wherein said media is selected from a group consisting of: (a) a communication device; (b) a computer; (c) personal digital assistant; (d) telephone; (e) television; and (f) radio.

9(Original). The system of claim 7 wherein said first and post-session displays are selected from a group consisting of: (a) a Web site; (b) a Web page; (c) interactive media; (d) video broadcast content; and (e) audio broadcast content.

10(Original). The system of claim 7 wherein said first and post-session platforms are selected from a group consisting of: (a) a Web browser; (b) a television

channel; (c) a telephone line; (d) a radio station; (e) streaming media; (f) content delivery applications; (g) media viewing technology; and (h) interactive technology.

11(Original). The system of claim 7 wherein said load triggering event is selected from a group consisting of: (a) clicking on an off-site link; (b) entering a new address; (c) load; (d) unload; (e) click; (f) resize; (g) submit; (h) focus; (i) blur; (j) move; (k) key press; (l) select; (m) change; (n) refresh; (o) open; (p) close; (q) redirect; (r) enter; (s) exit; (t) end of program; (u) beginning of program; (v) end of session; (w) change of service; (x) time; and (y) a combination of at least two of said load triggering events of (a)-(x).

12(Original). The system of claim 7 wherein said view triggering event is selected from a group consisting of: (a) closing said first platform; (b) selecting said post-session platform; (c) clicking on an off-site link; (d) entering a new address; (e) load; (f) unload; (g) click; (h) resize; (i) submit; (j) focus; (k) blur; (l) move; (m) key press; (n) select; (o) change; (p) refresh; (q) open; (r) redirect; (s) enter; (t) exit; (u) end of program; (v) beginning of program; (w) end of session (x) change of service; (y) time; and (z) a combination of at least two of said load triggering events of (a)-(y).

13(Original). The system of claim 7 wherein said view triggering event causes a focus timer process to initiate.

Claims 14-19 (Canceled).

REMARKS

The claims of the present application are identical to the claims originally presented in the parent of the present application upon original filing, U.S. Patent Application No. 09/866,425, filed May 24, 2001. In the parent, the Examiner rejected independent claims 1 and 7 as being anticipated by Landsman et al., U.S. Publication No. 2003/0004804 A1; Judson, U.S. Patent No. 5,737,619; and the Pornrodeo reference of record. Each of the dependent claims were rejected as being either anticipated by one or more of the references cited above, or obvious in view of a combination of these references with other cited prior art.

Independent claim 1 patentably distinguishes over Landsman and Judson because each of those references fails to disclose the limitation of a “opening a post-session platform . . . in said background of said media.” As noted by the Examiner, both Landsman and Judson disclose loading an advertisement into cache memory while a web page is loading. The advertisement later “pops up” into the foreground of a display so that it will be viewed by a user. The Examiner contended that the term “background” reads upon the cache memory of Judson and Landsman. The applicant notes that the particular claim language used requires that a post-session platform be opened in the claimed background. The specification describes a platform as being able to “play, show, enable, perform, transmit, update, or record the selected display. Platforms . . . may include, for example, Web browsers, browser windows, media channels, media stations, media frequencies, audio connections, streaming media, content delivery applications, media viewing or interacting technology, and similar means.” Specification at p. 7, lines 34-38.

The Examiner's contention that the cache memory of Landsman and Judson is a "background", as claimed is not well founded because neither reference discloses opening a platform in the cache memory. To the contrary, these references suggest the opposite. Landman, for example discloses that advertisements be stored in a queue in cache memory, and that any associated web browsers or media players needed to open or otherwise present the advertisement are not opened until that advertisement is *first removed from the queue in cache memory*. Landsman, however, indicates that these platforms are opened in the foreground of a display, rather than the background of a display. Similarly, Judson discloses that information objects be embedded in HTML comment tags where they are *ignored* by browsers (i.e. the platform) until a link associated with the information object is activated, at which point the information object is retrieved from cache memory before being opened, again in the foreground of a display. Because neither Landsman nor Judson disclose the step of "opening a post-session platform . . . in said background of said media," independent claim 1 patentably distinguishes over these two references and should be allowable.

Claims 2-6 depend from claim 1 and are patentable for the same reasons asserted for claim 1.

Independent claim 7 patentably distinguishes over Landsman and Judson because each of those references fails to disclose the limitation of a "a post-session platform for displaying a post-session display in said background of said media." As noted by the Examiner, both Landsman and Judson disclose loading an advertisement into cache memory while a web page is loading. The advertisement later "pops up" into the foreground of a display so that it will be viewed by a user. The Examiner contended

that the term “background” reads upon the cache memory of Judson and Landsman. The applicant notes that the particular claim language used requires a post-session platform for *displaying* a post-session display *in said background* The Examiner’s contention that the cache memory of Landsman and Judson is a “background”, as claimed, is not well founded because loading an advertisement or other information object in cache memory, as disclosed by Landsman and Judson, does not display that advertisement or information object. To the contrary, these references suggest the opposite. Landman, for example discloses that advertisements be stored in a queue in cache memory, and that any associated web browsers or media players needed to present or otherwise display the advertisement are not opened until that advertisement is *first removed from the queue in cache memory*. Landsman, however, indicates that these platforms are opened in the foreground of a display, rather than the background of a display. Similarly, Judson discloses that information objects be embedded in HTML comment tags which are *ignored* by browsers (i.e. the platform) until a link associated with the information object is activated, at which point the information object is retrieved from cache memory before being displayed, again in the foreground of a display. Because neither Landsman nor Judson disclose that a post-session platform be displayed in the background, independent claim 7 patentably distinguished over these two references and should be allowable.

Claims 8-13 depend from claim 7 and are patentable for the same reasons asserted for claim 7.

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In view of the foregoing remarks, consideration and allowance of
claims 1-13 is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kevin L. Russell', with a long horizontal stroke extending to the right.

Kevin L. Russell

Reg. No. 38,292

Telephone: (503) 227-5631



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT APPLICATION EXAMINING OPERATIONS

Appl. No.	:	10/784,358	Confirmation No. 8814
Applicants	:	Andrew Vilcauskas et al.	
Filed	:	February 23, 2004	
TC/A.U.	:		
Examiner	:		
Docket No.	:	KLR/KAR:8096.0011	
Customer No.	:	00152	
Title:		POST-SESSION INTERNET ADVERTISING SYSTEM	

INFORMATION DISCLOSURE STATEMENT
IN ACCORDANCE WITH 37 CFR §1.98

1600 ODS Tower
601 S.W. Second Avenue
Portland, Oregon 97204-3157

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants submit herewith a listing of the patents or patent applications of which they are aware and which they desire to have considered by the Patent Office in accordance with 37 CFR §1.97. In accordance with 37 CFR §1.97(b)(3), this Information Disclosure Statement is being filed prior to an office action on the merits of the above-identified application.

In accordance with 37 CFR §1.97(h), the filing of this Information Disclosure Statement will not be regarded as an admission that any patent or publication or combination of patents referred to herein is, or is considered to be, material to patentability under 37 CFR §1.56(b) unless specifically designated as such.

A list of the United States patents or published patent applications, foreign patents or application, and other references disclosed herewith is set forth on the attached five (5) pages of Form PTO/SB/O8. In accordance with 37 CFR §1.98 (a)(2)(i), copies of such U.S. patent and patent application references are not enclosed with this submission. This application is a divisional of serial number 09/866,425, filed May 24, 2001, which claims the benefit of

provisional application No. 60/207,698, filed May 26, 2000. Copies of the foreign and other references can be found in the parent application.

The person making this statement is the attorney who signs below on the basis of the information supplied by the inventor and the information in his file.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Kevin L. Russell', written over a horizontal line.

Kevin L. Russell
Reg. No. 38,292
Of Attorneys for Applicant
Tel: (503) 227-5631



PTO/SB/08A INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)	ATTY. DOCKET NO. KLR/KAR:8096.0011	SERIAL NO. 10/784,358
	APPLICANTS Andrew Vilcauskas et al.	
	FILING DATE February 23, 2004	GROUP

REFERENCE DESIGNATION
U.S. PATENT DOCUMENTS

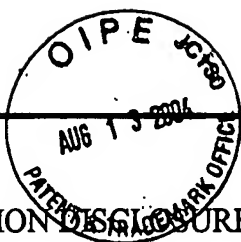
EXAMINER INITIAL	CITE NO.	DOCUMENT NUMBER	DATE	NAME	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US-4,782,463	11-1988	Sanders, et al.	
		US-4,827,508	05-1989	Shear	
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PTO/SB/08A INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)	ATTY. DOCKET NO. KLR/KAR:8096.0011	SERIAL NO. 10/784,358
	APPLICANTS Andrew Vilcauskas et al.	
	FILING DATE February 23, 2004	GROUP

U.S. Patent Documents Cont.

EXAMINER INITIAL	CITE NO.	DOCUMENT NUMBER	DATE	NAME	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US-5,572,643	11-1996	Judson	
		US-5,617,565	04-1997	Augenbraun, et al.	
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PTO/SB/08A INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)	ATTY. DOCKET NO. KLR/KAR:8096.0011	SERIAL NO. 10/784,358
	APPLICANTS Andrew Vilcauskas et al.	
	FILING DATE February 23, 2004	GROUP

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		US-6,268,856	07-2001	Bruck et al.	
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		US-2003/0004804-A1	01-2003	Landsman et al.	

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EXAMINER INITIALS	CITE NO.	FOREIGN PATENT DOCUMENT (Country Code, Number, Kind Code)	PUBLICATION DATE	NAME OF PATENTEE OR APPLICANT OF CITED DOCUMENT	PAGES, COLUMNS, LINES, WHERE RELEVANT PASSAGES OR RELEVANT FIGURES APPEAR
		JP 2000148802	05-20-2000	Itakura et al.	
		KR 2000054099	09-05-2000	Shin	
		JP 2000 - 148802	05-30-2000		
		G B 2281434	03-1995		
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NON PATENT LITERATURE DOCUMENTS

(Include name of Author (in CAPITAL LETTERS), Title, title of the item (book, magazine, journal, serial symposium, catalog, etc.), Date, Page(s), volume-issue number(s), publisher, city and/or country where published.

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		PIKE et al., Using Mosaic, 1994, p. 82-85, 222-223.
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PTO/SB/08A INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)	ATTY. DOCKET NO. KLR/KAR:8096.0011	SERIAL NO. 10/784,358
	APPLICANTS Andrew Vilcauskas et al.	
	FILING DATE February 23, 2004	GROUP

NON PATENT LITERATURE DOCUMENTS

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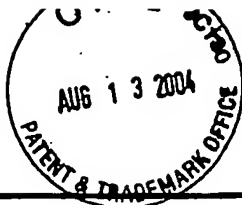
PTO/SB/08A INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)	ATTY. DOCKET NO. KLR/KAR:8096.0011	SERIAL NO. 10/784,358
	APPLICANTS Andrew Vilcauskas et al.	
	FILING DATE February 23, 2004	GROUP

NON PATENT LITERATURE DOCUMENTS

(Include name of Author (in CAPITAL LETTERS), Title, title of the item (book, magazine, journal, serial symposium, catalog, etc.), Date, Page(s), volume-issue number(s), publisher, city and/or country where published.

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	"PATNEWS: Popunder ad patent app busting; Konrad patents still busted," PATNEWS newsletter forwarded on Wednesday, July 17, 2002, 5 pages.
	Porn Rodeo Code taken from the Wayback Machine's archived version of Port Rodeo's October 13, 1999 website. Downloaded 8/02. 1 page.
	Four screen shots of the Porn Rodeo Website and pop-up and/or pop under activity. All the time the screen shots were taken (8-23-02) it was not possible to get the pop under feature to work properly and applicants do not admit that these screen shots show the claimed invention. Prepared 8-23-02, 4 pages.
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	CRAWLEY, M., "Popups and Popynders", downloaded from < www.onlinesoldier.com > on 27 January 2003.
EXAMINER	
DATE CONSIDERED	

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



Form PTO/SB/21 (6-98) (Modified)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	10/784,358
		Filing Date	February 23, 2004
		First Named Inventor	Andrew Vilcauskas
		Group Art Unit	
		Examiner Name	
Total Number of Pages in this Submission	16	Attorney Docket Number	KLR/KAR:8096.0011

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Preliminary Amendment <input type="checkbox"/> After Final <input type="checkbox"/> Affidavit(s)/Declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Part(s)/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an application) <input type="checkbox"/> Drawings <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition To Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below) Postcard Receipt
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual Name	Kevin L. Russell Chernoff, Vilhauer, McClung & Stenzel, LLP 601 SW Second Avenue Portland, Oregon 97204-3157
Signature	
Date	August 10, 2004

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Arlington, VA 22313-1450 on this date.			
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022304

16569 U.S. PTO

PTO/SB/05 (08-03)

Approved for use through 07/31/2006, OMB 0651-0032

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UTILITY
PATENT APPLICATION
TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.

KLR/KAR:8096.0011

First Inventor

Andrew Vilcauskas

Title

POST-SESSION INTERNET ADV

Express Mail Label No.

EL915424853US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)

2. ☒ Applicant claims small entity status.
See 37 CFR 1.27.

3. ☒ Specification [Total Pages 22]
(preferred arrangement set forth below)
- Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure

4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 11]

5. Oath or Declaration [Total Sheets]
a. ☐ Newly executed (original or copy)

- b. ☐ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)

- i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s)
name in the prior application, see 37 CFR
1.63(d)(2) and 1.33(b).

6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or
Computer Program (Appendix)

8. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)

- a. ☐ Computer Readable Form (CRF)

- b. Specification Sequence Listing on:

- i. ☐ CD-ROM or CD-R (2 copies); or

- ii. ☐ Paper

- c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))

10. ☐ 37 CFR 3.73(b) Statement ☐ Power of
(when there is an assignee) Attorney

11. ☐ English Translation Document (if applicable)

12. ☐ Information Disclosure ☐ Copies of IDS
Statement (IDS)/PTO-1449 Citations

13. ☐ Preliminary Amendment

14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)

15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)

16. ☐ Nonpublication Request under 35 U.S.C. 122
(b)(2)(B)(i). Applicant must attach form PTO/SB/35
or its equivalent.

17. ☒ Other: Copy of Revocation and Substitute
Power of Attorney filed in parent

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation☒ Divisional☐ Continuation-in-part (CIP)

of prior application No.: 09/866,425

Prior application Information:

Examiner: Luke Wassum

Art Unit: 2177

For CONTINUATION OF DIVISIONAL APPS only; The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS



Customer Number:

00152

OR ☐

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Signature

Date

2/23/04

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

FEE TRANSMITTAL for FY 2004

Patent fees are subject to annual revision.

Complete If Known

☒ Applicant claims small entity status. See 37CFR 1.27

TOTAL AMOUNT OF PAYMENT \$471

Application Number

Filing Date

Herewith

First Named Inventor

Andrew Vilcauskas

Examiner Name

Art Unit

Attorney Docket No.

KLR/KAR:8096.0010

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account

Deposit Account Number 03-1550

Deposit Account Name Chernoff Vilhauer McClung & Stenzel

The Commissioner is authorized to: (check all that apply)

☐ Charge fees indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) during the pendency of this application

☐ Charge any fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Code (\$)	Code (\$)		
1001 770	2001 385	Utility filing fee	385
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			\$385

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
19	-20 = 0	x 18/9 = 0	0
Indep. Claims 4	-3** = 86	x 86/43 = 86	86
Multiple Dependent			0

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1202 18	2202 9	Claims in excess of 20	
1201 86	2201 43	Independent claims in excess of 3	
1203 290	2203 145	Multiple dependent claim, if not paid	
1204 86	2204 43	**Reissue independent claims over original patent	
1205 18	2205 9	*Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)			\$86

**or number of previously paid, if greater. For reissues, see above.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge-late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex-parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1840*	1805 1840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt.	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 C.F.R. 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify)			
* Reduced by Basic Filing Fee Paid			
SUBTOTAL (3)			\$0

SUBMITTED BY

Complete (if applicable)

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(503) 227-5631

Signature



Date

2/23/04

POST-SESSION INTERNET ADVERTISING SYSTEM

RELATED APPLICATIONS

5 This application is a divisional of U.S. patent application serial No. 09/866,425, filed May 24, 2001, which is based on and claims the benefit of provisional application serial No. 60/207,698, filed May 26, 2000.

BACKGROUND OF THE INVENTION

10 The post-session Internet advertising system of the present invention is a system and method for delivering displays to viewers browsing displays with platforms, for exchanging traffic between platforms, and for accurately tracking focus time on display content.

Web pages can be created using Hypertext Mark-up Language ("HTML") and Extensible Mark-up Language ("XML"). HTML is a text-based set of
15 instructions (known as "tags") that describe the layout of elements on a Web page. HTML can also be used to create "links" (generally, a highlighted word, phrase or graphic image that points to a target such as another Web page) on the World Wide Web. XML consists of a set of tags that abstractly describe data, which can be translated into HTML using standard tools. In addition, a Web page can be divided
20 into subpages (using Frames, an HTML extension). A frameset is the set of subpages that together comprise a Web page. (For example, a Web page may be divided horizontally creating a frameset of two subpages comprising the top and bottom half of the Web page). In addition to its use in creating Web pages, HTML and XML can be used to create advertising for the Internet. The developer or maintainer of a Web
25 site can insert HTML or XML code in their Web pages so that when potential customers view the Web page an advertisement and a link to another Web site is displayed.

Web pages and Internet advertising may be enhanced by small programs written in the Java language that are built into a Web page to perform a
30 specific function (such as displaying an animation), often referred to as "applets." In addition, scripting languages such as JavaScript or VBScript are used to enhance the capabilities of Web pages by performing functions that are beyond the scope of HTML and XML, such as popping up special windows in response to mouse clicks. Scripting languages include an event driven model responsive to changes in a client's
35 state and an Application Programmer's Interface for defining custom behaviors to be followed in response to such "events."

Another technique often used by Web site developers and Internet advertisers is to place a text file on the hard disc of a client when the user visits a Web site. These text files, referred to as "cookies," are retrieved and read on subsequent

visits that a user makes to the Web site. Cookies can be used to track the behavior of site visitors.

The economic potential of the Internet is enormous, but the medium is still in its early stages of development. Revenue is directly proportional to the volume of qualified potential customers ("traffic") that reach and view a commercial Web site. Each visit (often referred to as a "hit") to a commercial Web site has economic value. Thus, the primary goal of Internet marketing is generating traffic. A secondary goal is to get potential customers to make purchases or otherwise use a commercial Web site (i.e., "capture traffic"). Traffic is more difficult to generate than it is to capture. Further, investment made to generate traffic produces a greater economic return than investment made to capture traffic. A company can spend a lot of money on effective Web site design so that potential customers will have a rewarding experience and thus a higher inclination to make a purchase once the customer has reached the Web site. But investment in Web site design is wasted unless the site is actually visited. A third goal is "branding," or increasing consumer awareness or recognition of a brand.

In order to meet these goals, most Internet businesses use interrupting advertisements such as pop-up windows, or space consuming advertisements (or "real estate" consuming advertisements) such as banner advertisements, link exchanges, and banner exchanges. Other Internet businesses use alternative advertising methods such as bulk e-mail. Although interrupting advertisements guarantee that a user will see the advertisement for at least a split second, if only to locate the icon used to close the window, these interrupting advertisements are particularly offensive to potential customers because they force the user's attention to be diverted. Most users simply close the window of an interrupting advertisement. Space consuming advertisements, on the other hand, are so pervasive that they have become "white noise." Usually, a viewer focuses his attention on the information he needs from the Web page and ignores the space consuming advertisement. Alternative advertising methods are similarly problematic.

With pop-up window advertising, a separate window of a Web browser is displayed "on top" or "in front" of the Web page being viewed. The advertisement, which may be larger, smaller, or the same size as a banner advertisement, is displayed in the new browser window. Pop-up window advertising has the advantage (for the Web site designer) of displaying an advertisement without having to change the layout of the Web page displaying the advertisement. But potential customers commonly consider the pop-up aspect disruptive and annoying.

Banner advertising, a space consuming advertising method, is currently the primary method of advertising on the World Wide Web. Banner advertising relies on HTML and some of the techniques used to create a Web site. Site maintainers

insert HTML code in their Web pages that causes a small advertisement (approximately 0.5" times 2" on the average screen) to appear in a frame on the Web page, i.e., a "banner advertisement." The HTML code also contains a link to another site. In short, when potential customers view a Web site with banner creating HTML code, a banner advertisement and link are displayed on the Web page. The more traffic a Web sites has, the more it can charge for displaying banner advertisements. The reason is that a banner advertisement placed on a high volume site generates a lot of traffic for the advertised Web site. In theory, this is advantageous for both parties. But market research shows that as use of the Internet becomes widespread, banner advertisements are becoming less effective. The average potential customer is becoming jaded because banner advertisements appear on almost every Web site. A measure of the effectiveness of Internet marketing is the CTR, or click-through ratio. CTR is the ratio of the number of times an advertisement is exposed to the number of hits generated by the advertisement when viewers "click through" to the advertised site. The trend is that CTRs for banner advertisements are dropping.

Link exchanges are another space consuming advertising method for generating Web traffic. A link exchange is an arrangement whereby a first Web site puts a link on its site to a second Web site. In exchange, the second Web site places a link on its site to the first Web site. In addition to exchanging links, a fee may be paid by one site to the other. Each link to the other site is generally placed in a prominent place on the referring Web site. Effectively, a link exchange is a mechanism for sharing traffic between two Web sites. Alternatively, links may not be exchanged. Instead, a first Web site pays a second Web site to put a link to it on the second Web site. Link exchange advertising has the advantage of lower cost than other advertising methods. In fact, a link exchange may be free. In addition, any consideration paid for a link exchange or link placement is generally much lower than that for banner advertisements. A drawback of link exchanges is that their effectiveness varies. The effectiveness depends on where the link is placed, whether there is an image associated with it (thus blurring the line between a link exchange and a banner advertisement), and how much traffic each site receives from other forms of marketing. Market research shows that CTRs on link exchanges are consistently lower than CTRs for banner advertising.

Banner exchanges are a hybrid of banner advertising and link exchanges. A Web site joins a Web site syndicate and adds special banner advertisement HTML code to its Web site. The special HTML code causes a banner advertisement for and a link to a syndicate member Web site to be displayed. Typically, the banner advertisement varies so that an advertisement for each syndicate member is alternately displayed. A syndicate may be joined for free or for a nominal fee. In exchange for displaying banner advertisements, banner advertisements for the

member's Web site are displayed on the Web sites of other members. In addition, the company managing the exchange syndicate will usually have paid advertisers as members. Fees paid by such advertisers represent a source of revenue for the company managing the exchange syndicate. A limitation of banner exchanges is that they are still fundamentally banner advertisements and as such are experiencing the same declining CTRs as conventional banner advertisements.

Bulk e-mail is an alternative advertising method that has a reasonable return on investment but potential customers generally regard it unfavorably. If the bulk e-mail message is read, it may effectively generate traffic. But it is far more likely that the potential customer immediately identifies the message as a "UBE" (unsolicited bulk e-mail), sends complaints to the sender and to their connection provider, and deletes the message unopened and unread.

Two events that are important to understanding the experience of a viewer browsing the Web are the "focus" and "blur" events. Typically, a viewer accesses the Internet using a platform, such as a Web browser, on media, such as a computer. For example, a viewer accessing the Internet using the Internet Explorer™ Web browser as a platform on media consisting of a computer running the Windows™ operating system observes the platform as appearing in a window. Focus and blur describe states of a window. A focus event occurs if a window is selected so that it may currently receive input from a viewer. A blur event occurs if focus is removed from a window. While it is possible to simultaneously have multiple windows open, only one window may have focus at any time. If a window is in the focus state, it always fully visible (i.e., it appears "on top" of other open windows) and is sometimes referred to as the "active" window. Windows that are in the blur state are said to be in the "background" and are at least partially obscured by the window in the focus state. A viewer "clicks on" or otherwise selects a window to create a focus event. Alternatively, a computer program may cause a focus event. A focus event may also be referred to as a "view triggering event."

With known Web marketing techniques there is no way of knowing if an advertisement has been seen by the potential customer. A banner advertisement, pop up window, or other Internet advertisement may appear at length in an active window and be fully visible, or may appear only momentarily in an active window and be at least partially obscured for most of the period it is displayed. The time an advertisement is displayed in an active window is called "focus time." Known techniques do not verify the focus time of an advertisement that has been delivered to a potential customer.

BRIEF SUMMARY OF THE INVENTION

The post-session Internet advertising system of the present invention is a system and method for delivering displays to viewers browsing displays with platforms, for exchanging traffic between platforms, and for accurately tracking focus
5 time on display content. This method of content delivery overcomes many of the inherent limitations of known Internet based advertising methods.

The present invention is directed to a post-session advertising system that may be used in media such as computers, personal digital assistants, telephones, televisions, radios, and similar devices. In one preferred embodiment, a first display is
10 viewed in a first platform in the foreground of a media by a viewer. Then, a load triggering event is initiated by the viewer. Next, in response to the load triggering event, a post-session platform is opened to display a post-session display in the background of the media. Significantly, in the preferred embodiment, the post-session platform stays in the background until a view triggering event occurs. The type of
15 platform and display used will depend significantly on the media.

In one preferred embodiment of the present invention an optional focus timer is activated by the view triggering event to allow an accurate assessment of the actual time a viewer focuses on the display in the post-session platform.

In another alternate preferred embodiment of the present invention, the
20 number of post-session platforms is limited to, for example, one platform. Multiple load triggering events would either be ignored or would cause the display to refresh (or change) in the already loaded post-session platform.

The computer and the Internet are exemplary media that might be used in the present invention. In this exemplary embodiment, Web browsers are the
25 platforms. Further, in this exemplary embodiment, Web sites and advertisements are exemplary display content. More specifically, while a participating Web site (display content) is being visited by a viewer using a first Web browser (platform), a second or post-session Web browser (platform) loads with a second or post-session advertisement (display content) upon a first or load triggering event such as exiting
30 the specific Web page. The post-session Web browser does not disrupt the viewer's browsing experience in his first Web browser. Instead, a second or view triggering event, such as closing the first Web browser, allows the post-session Web browser (and the advertisement thereon) to be viewable by the viewer. The present invention may also monitor the period of time that the advertisement appears in the now active
35 post-session Web browser and provides statistical information to advertisers.

The foregoing and other objectives, features, and advantages of the invention will be more readily understood upon consideration of the following detailed description of the invention, taken in conjunction with the accompanying drawings.

BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING

FIG. 1 is a block diagram of an exemplary embodiment of a client, a
5 Web server, media, and at least one viewer, platforms and displays of the post-session
Internet advertising system of the present invention.

FIG. 2 is a flow diagram showing the sequence of steps that a viewer
observes or initiates in the process of delivering a display in an exemplary
embodiment of the post-session Internet advertising system of the present invention.

10 FIGS. 3A, 3B, and 3C are block diagrams of an exemplary
embodiment of a Web server, a client, media, and a count daemon of the present
invention showing a load triggering event, a view triggering event, and data flow of
the post-session Internet advertising system of the present invention.

FIG. 4 is a flow diagram of the script handler of an exemplary
15 preferred embodiment the post-session Internet advertising system of the present
invention.

FIG. 5 is a flow diagram of the event handler of an exemplary preferred
embodiment the post-session Internet advertising system of the present invention.

20 FIG. 6 is a block diagram showing data flow of an exemplary preferred
embodiment of a focus handler, media, and the count daemon of the post-session
Internet advertising system of the present invention.

FIG. 7 is a block diagram showing the data path to and the thread
components and data path within the count daemon of an exemplary preferred
embodiment the post-session Internet advertising system of the present invention.

25 FIG. 8 is flow diagram of the process of the post-session Internet
advertising system of the present invention.

FIG. 9 shows an exemplary screen view of a frameset displaying
branding information in an upper frame and client advertising content in a lower
frame in one preferred embodiment of the present invention.

30

DETAILED DESCRIPTION OF THE INVENTION

The post-session Internet advertising system of the present invention is a system and method for delivering displays to viewers browsing displays with platforms, for exchanging traffic between platforms, and for accurately tracking focus time on display content. As shown in FIGS. 1 and 2, a client 20 interacts with a Web server 22 to deliver, upon the occurrence of a "load triggering event," a post-session platform 24 to a viewer's 26 media 28 so that the viewer 26 may view the client's 20 post-session display 30 after the viewer 26 has exited (or another "view triggering event" has occurred) a foreground platform 32. Specifically, when the viewer 26 who is viewing a first or foreground display 34 in a first or foreground platform 74 exits a client's foreground platform 32 (or another load triggering event occurs 76), a post-session platform 24 is opened and is immediately sent to the background 78. Because it is in the background, the post-session platform 24 does not disrupt the viewer's 26 browsing experience. When the viewer 26 closes the foreground platform 32 (either the original or a subsequent platform 32) or another view triggering event occurs 80, the post-session platform 24 comes to the foreground 82. Finally, in one preferred embodiment, the amount of time the post-session platform 24 spends in the foreground may be monitored.

Throughout this specification terminology will be used to describe the present invention. The following definitions and examples of the terminology are not meant to exclude broader concepts, unspecified examples, or undeveloped technology that would logically fall within the scope of the invention. Viewers 26, for example, may be potential voters viewing a television program or potential customers browsing the Internet on a computer. The term "viewer" is also used to describe a telephone user, a radio listener, or any media user. Clients 20 are entities that want to advertise or direct traffic such as commercial enterprises, political, governmental, non-profit, or charitable organizations, individuals, hobbyists, or any other person or entity that wants to advertise or direct traffic. The Web server 22, as will be described in detail below, substantially controls or directs the system of the present invention. Media 28 may be any communication device, including but not limited to computers, personal digital assistants, telephones, televisions, radios, and similar devices. Platforms 24, 32 are means through which a viewer accesses a display to the exclusion of other displays. A platform may allow the viewer to play, show, enable, perform, transmit, update, or record the selected display. Platforms 24, 32 may include, for example, Web browsers, browser windows, media channels, media stations, media frequencies, audio connections, streaming media, content delivery applications, media viewing or interacting technology, and similar means. A foreground platform 32 is a platform that can be primarily sensed by a viewer 26. A post-session platform 24 is a platform that

begins its life in the background and that can be fully sensed by a viewer 26 only after it has been brought to the foreground. Displays 30, 34 have content that a viewer 26 sees, hears, or otherwise senses within or from a platform 24, 32. Displays 30, 34 may include, for example, Internet content (such as streaming video, Web sites, Web pages), video broadcast content (such as television programs, movies, videos, commercials, and infomercials), audio broadcast content (such as radio programs, commercials, and sound recordings or such as commercials or sound recordings played over a telephone connection), and any other content capable of being transmitted over media.

As mentioned above, FIG. 2 is a flow diagram showing the sequence of events from the viewer's 26 perspective. The viewer 26 first views 74 a first or foreground display 34 in a first or foreground platform 32 of media 28. The viewer 26 then initiates 76 a load triggering event. This event causes the opening 78 of a second or post-session platform 24 in the background of the media 28. The post-session platform 24 remains in the background until the viewer 26 initiates 80 a view triggering event. The viewer 26 then views 82 the post-session display 30 in the post-session platform 24.

FIGS. 3A-3C show an exemplary system of the present invention with data flow between elements of the system. It should be noted that the functions shown in the Web server 22 element may be implemented by the Web server 22 alone (as shown), by a combination of the Web server 22 and the client 20, or by the client 20 alone. It should also be noted that the media 28 is shown as providing the foreground platform 32, the post-session platform 24 while it is in the background, and the post-session platform 24 while it is in the foreground. Exemplary individual elements of the system are detailed in separate figures. Specifically, FIG. 4 details an exemplary script handler 42, FIG. 5 details an exemplary event handler 44, FIG. 6 details an exemplary focus handler 46 and the timer applications, and FIG. 7 details an exemplary count daemon 48.

FIG. 8 is a flow diagram showing the sequence of steps in the process of delivering display content in the embodiment of the present invention shown in FIGS. 3A-3C. In the first step, a client 20 adds post-session instructions to its display 50. A viewer 26 requests a foreground display 52 from a first or foreground platform with post-session instructions embedded (or otherwise linked) therein. After the foreground display 34 loads, the post-session instructions cause a post-session procedure 43a to be requested 54 and, in turn, the script handler 42 returns a post-session procedure 43b, 56. At some point the viewer 26 initiates a load triggering event 58. This load triggering event causes a post-session platform to open 60 in the background (physically behind or otherwise hidden from the viewer) and also causes the post-session platform to request a post-session display 62. In one alternative

embodiment, the post-session platform 24 that opens is of a type different from the foreground platform 32. The event handler 44 receives the request for a link 45a, 62 and returns a link to post-session display 45b, 64. In an alternative preferred embodiment, the client 20 includes an event handler 44 that receives request 62 and
 5 returns a post-session display 64 into a secondary post-session platform. Optionally, the event handler 22 returns a focus timer process 45c, 66. The post-session platform 24 and display 30 remain in the background until the viewer 26 initiates a view triggering event 68. The viewer 26 views the post-session display in the post-session platform 69. After the viewer 26 is done viewing the post-session display 30, the
 10 viewer 26 exits the post-session display 70. Optionally, when the viewer 26 exits the post-session display, time data 47 may be returned to the focus handler 72. A count daemon 48 (which may be housed in the Web server or in a secondary server 84) optionally may monitor and/or analyze statistical data. It should be noted that the script handler 42, event handler 44, and focus handler 46 may be processes
 15 implemented by the Web server 22 as shown or may be processes implemented by a plurality of servers or may be multiplied or divided into any number of processes.

Applying the basic flow shown in FIGS. 3A-3C and 8 to an exemplary embodiment of a Web surfer viewer surfing the Internet, a commercial client 20 adds post-session instructions (HTML code) to its Web page display 50. A surfer 26
 20 requests the client's Web page 52 with the post-session instructions (HTML code) embedded therein. After the foreground Web page 34 loads, the post-session instructions (HTML code) cause a script code 54 to be requested and, in turn, the Web server 22 returns a script code 56. At some point the surfer 26 initiates a load triggering event 58, usually by exiting the initially viewed client's Web page. This
 25 load triggering event causes a post-session browser to open 60 behind the foreground browser and also causes the post-session browser to request a post-session display 62. The Web server 22 receives request 62 and returns a link or address to a post-session display 64. Optionally, the Web server 22 also returns a focus timer 66. The post-session browser 24 and display 30 remain in the background until the surfer 26
 30 initiates a view triggering event 68 such as exiting the foreground browser 32. The surfer 26 views the post-session display in the post-session browser 69. After the surfer 26 is done viewing the post-session display 30, the surfer 26 exits the post-session display 70 and time data is optionally returned to the Web server 72.

35 Detailed Chronological Description

The following paragraphs provide exemplary details of one exemplary method by which the present invention may be implemented. Alternate methods could be developed by those skilled in the art to implement the basic concepts of the present invention. These details will be addressed in substantially the same order in which

they were discussed in relation to FIGS. 3A-3C and 8.

First, it should be noted that the present invention may be implemented on the World Wide Web service on the Internet or other analogous network service in an alternate network environment (e.g. a telephone network or a television network).

5 The term Web server 22 is meant to be broadly construed to be applicable to alternate network environments. Details of opening and maintaining a network connection, selecting the appropriate actions for various uniform resource indicators, content negotiation, and transaction logging handled by the existing Web server system, however, are meant to be exemplary as such protocols may or may not be necessary in
10 alternate network environments.

As shown in FIGS. 3A-3C., the functions of the Web server 22 may be divided into the three Web services: the script handler 42 (FIG. 4), the event handler 44 (FIG. 5), and the focus handler 46. These services may be implemented as separate processes by a Web server (as shown), as a single process, or as any number of
15 processes on any number of servers. These services may also be implemented by the client's system or on the viewer's media. These services are similar in some functions, but there are differences in which portion of a single transaction each service handles. For example, each service can read its state from the information and cookies present in the HTTP connection headers. Each service can retrieve account information from
20 a relational database about the requesting client 20. Each service may transmit statistical packets to a caching statistical collation module, referred to as the "count daemon" 48 (detailed in FIG. 7), and then may deliver an appropriate response to the post-session Web browser. The response can also optionally include state and status information about the post-session Web browser in the form of cookies. These
25 services will be discussed individually in the order they appear in the system as shown and described in FIGS. 3A-3C and 8.

Adding Post Session Code. In order to activate the method of the present invention, a client 20 obtains post-session instructions from a Web Server 22 and adds them to its display 34. In one exemplary preferred embodiment, the post-
30 session instructions are post-session HTML code that a client 20 adds to its Web pages. In an alternative preferred embodiment, the post-session instructions are post-session XML code that a client 20 adds to its Web pages.

Viewer Opens a Platform. A viewer 26 opens a client's 20 display 34 with a foreground platform 32. In one preferred embodiment, a viewer 26 opens a
35 client's 20 Web page with a Web browser.

Script Code Delivery. As shown in FIG. 3A, when a viewer 26 opens a client's 20 display 34 with a foreground platform 32, the post-session instructions that the client 20 added to its display 34 cause the foreground platform 32 to download 43a, 43b a post-session procedure from the Web server 22. In one exemplary preferred

embodiment the post-session procedure downloaded from the Web server 22 to the platform 32 is script code. In one preferred embodiment, the client's account number is encoded directly into foreground platform's 32 request for a post-session procedure so that proper credit is given to the client 20 for bringing in traffic to the system of the present invention, for verification, and/or for determining the appropriate category of advertisement to return.

Script Handler. In the exemplary preferred embodiment shown in FIGS. 3A and 4, when a viewer requests a display 34 to which post-session HTML code has been added, a request for a post-session procedure 43a is sent to the script handler 42. The time at which the request for the post-session procedure is made is preferably recorded, noted, and/or stored. In addition, the script handler 42 may verify that the account number present in the requesting link is valid. The script handler 42 then returns a post-session procedure 43b to the platform 32.

As illustrated in the exemplary embodiment of FIG. 4, the script handler 42 may parse each request and assemble statistics packets for transmission to the count daemon 48. If a viewer subsequently requests a second client Web page, a second request for script code is sent to the script handler 42. Using the time data that has been recorded, noted, and/or stored, the length of time that has elapsed between the initial and subsequent requests is determined. The script handler 42 determines if the elapsed time is longer or shorter than a specified time period ("time window"). If the elapsed time is shorter than the time window, script code specifying that no operations are to be performed is returned (blank script). If the elapsed time is longer than the time window, normal script code is returned. Finally, a response is assembled and returned to the viewer's foreground platform 32.

The reason for determining whether a second request for script code is made within a time window is to provide the viewer with a reasonable opportunity to view a display before replacing it with a new display. If a viewer requests a second Web page to which the same client's (or, in an alternate embodiment, any client's) post-session HTML code has been added, a load triggering event occurs. If this load triggering event occurs within the time window, a request for script code will result in blank script code being returned. In other words, the viewer is not sent a second display. On the other hand, if this load triggering event occurs after the time window, the viewer will be sent a second display to replace the first unseen display.

It should be noted that, although an optional feature of the present invention, this process of replacing unseen displays can be very strategic. Viewers tend to dislike being flooded with displays such as advertising. Where a single display causes the viewer to examine its content, multiple displays tend to aggravate the viewer. Accordingly, although the scope of the invention clearly includes opening

multiple platforms with multiple displays, the preferred embodiment is to allow only allow a single post-session platform.

It should also be noted that the "time window" could be replaced by a "hit counter" in which the replacement is not done for a certain number of hits.

5 Alternately, there could be a ranking system in which clients/displays with higher rankings (perhaps paying versus unpaying clients/displays) cannot be replaced by clients/displays with lower rankings. These alternatives are meant to be exemplary and not to limit the scope of the invention.

10 Load Triggering Event. At some point while viewing the display 34, the viewer activates a load triggering event. Load triggering events may include, for example, the viewer leaving or exiting the specific display 34 or the viewer closing the foreground platform 32. Exemplary alternative load triggering events may include clicking on an off-site link or entering a new address in a dialogue box, time delay, load, unload, click, resize, submit, focus, blur, drag, key press (including a mouse
15 button key), select, change (contents of a form field), refresh, open, close, redirect, enter, exit, move, minimize, maximize, end of program, beginning of program, beginning of session, end of session, "switching services," or change of service. These load triggering events are meant to be exemplary.

20 Additional Load Triggering Events. In one exemplary preferred embodiment, if a first load triggering event is followed by a second load triggering event, a second post-session platform 24 is opened and sent to the background. In an alternative preferred embodiment, a second post-session platform is not opened. In an additional preferred embodiment, if a first load triggering event is followed by a second load triggering event, a second post-session window is opened only if the time
25 period between load triggering events is shorter than a predetermined time period.

Post-Session Procedure. The post-session procedure consists of a set of actions to be taken in response to the load triggering event. The post-session procedure causes no immediate visible change to the foreground display 34, but when the load triggering event occurs, a new platform (post-session platform 24) opens and
30 is immediately sent to the background. The post-session platform 24 may be a full sized window or any other sized window.

Event Handler. As shown in FIGS. 3B and 5, the event handler 44 is invoked by a request for a display link 45a by the newly opened post-session Web browser. The event handler 44 chooses and delivers a link to a client's Web site 45b.
35 In one preferred embodiment, the event handler delivers a link to an HTML frameset. There is no requirement, however, that the post-session browser link to HTML code. In alternative preferred embodiments, the post-session browser links to any form of network content including sound, animation, streaming video, or any other form of rich media. In one preferred embodiment, the event handler 44 delivers links to

automatically load the focus timer 45c. As shown in FIG. 5, the event handler 44 parses a request and assembles statistics packets which it then transmits to the count daemon 48. A response is assembled and returned to the platform 24.

5 The post-session procedure downloaded from the Web server 22 to the platform 32 may be written in any supported scripting language, such as JavaScript or VBscript. In an exemplary preferred embodiment, the post-session procedure is an advertising session consisting of opening a post-session platform 24, linking to the Web server 22, sending the post-session platform 24 to the background (or conversely, bringing the viewer's platform to the foreground), and optionally loading a
10 process used for tracking focus time. In other words, one preferred embodiment of the present invention uses the load triggering event to trigger an advertising session.

Post-Session Platform. As shown in FIG. 3B and 3C, the post-session platform 24 requests from the Web server 22 the address of display 30. In one preferred embodiment, the address of display 30 is the client 20. In alternative
15 embodiments, the address may be, for example, other clients or the Web server. When display 30 is returned, the post-session platform 24 displays display 30. In one preferred embodiment, display 30 is advertising content for a client 20. In an alternative preferred embodiment, display 30 is a Web site or Web page of a client 20. In one preferred embodiment, as shown in FIG. 9, the post-session platform 24 shows
20 the display 30 in a frameset with branding information of the Web server 22 in one frame and client advertising content in another frame.

In one preferred embodiment, the post-session platform 24 is a default browser window of the same type as the current foreground platform 32. One alternate
25 embodiment could have a specific viewer-specified default platform. Another alternate embodiment could use a default platform predetermined by the client 20, Web server 22, or the specific type of display.

View Triggering Event. At some point after viewing the display 34, the viewer activates a view triggering event. View triggering events may include, for example, the viewer closing the foreground platform 32, the viewer selecting the post-session platform 24 from the task bar at the bottom of a media screen or an alternative
30 menu structure, or the viewer minimizing or moving the foreground platform 32. Exemplary view triggering events could include clicking on an off-site link or entering a new address in a dialogue box, load, unload, click, resize, submit, focus, blur, drag, key press (including a mouse button key), select, change (contents of a
35 field), refresh, open, close, redirect, enter, exit, maximize, end of program, beginning of program, beginning of session, end of session, "switching services," or change of service. Still other view triggering events may be time controlled. These view triggering events are meant to be exemplary.

It should be recognized from the exemplary view triggering events set

out in the preceding paragraph that one feature of a view triggering event is that it is preferably viewer driven. While a view triggering event is initiated by viewer action, a time delay may also be an aspect of a view triggering event. For example, a viewer may initiate a view triggering event by clicking an off-site link, but the set of actions to be taken in response to the view triggering event may not occur for a pre-determined time period. In other words, the view triggering event may be time delayed.

Post-Session Timer. As shown in FIGS. 3B and 6, in one preferred embodiment, the post-session procedure optionally includes the loading of a process used for tracking focus time. When the display 30 on the post-session platform 24 changes or the platform 24 is closed, the focus timer process returns time data to the Web server 22 or secondary server 84. The duration of time that the post-session platform spends in the foreground, and thus being viewed, is tracked. In the embodiment shown in FIGS. 3B, 3C, and 6, a focus timer is optionally delivered to a post-session Web browser by the event handler 44 and time data 47 is optionally returned to a focus handler 46. In an alternative preferred embodiment, the focus timer is incorporated into a post-session platform (the focus timer being implemented as a Java applet embedded in the frameset). The focus timer is linked to the post-session Web browser and monitors the activation of focus and blur events, signifying that the post-session Web browser has been brought to the foreground, sent to the background, or closed. In one preferred embodiment, the focus timer is incorporated into the post-session Web browser. It should be noted that while the focus timer process may only track the time period between when a post-session platform is brought to the foreground to when the post-session platform is closed, it may track time periods pertaining to other events relevant to a client. In one preferred embodiment, the focus timer process may track the length of the time the post-session platform is in the foreground although a viewer may bring a post-session platform to the foreground and return it to the background multiple times before the viewer ultimately closes the platform. In another alternative embodiment, the focus timer process tracks the length of time the post-session browser spends in the background.

Focus Handler. As shown in FIGS. 3C and 6, the focus handler 46 receives time data 47 from the focus timer and transmits statistical packets to the count daemon 48 to track the focus time for a display 30 displayed in a post-session platform 24. In an exemplary shown embodiment, the focus handler 46 performs only minimal data lookup and returns a response to the focus timer that indicates that no content body follows.

Count Daemon. As shown in FIGS. 3C and 7, the count daemon 48 receives statistics packets from the script handler 42, the event handler 44, and the focus handler 46 and collates statistical data. This reduces the load on the relational

database. In an exemplary preferred embodiment, the count daemon 48 is implemented with three simultaneously operating processes, or "threads": the listener, parse and cache threads.

As shown in FIG. 7, the listener thread accepts packets from the network and inserts them into a queue. In one preferred embodiment, a plurality of listener threads each listen at a separate network address so that statistics for a plurality of services can be simultaneously collated by a single count daemon 48. The parse thread reads and analyzes the packets in the queue. In one preferred embodiment, the parse thread uses standard reference libraries for the parsing of XML. This advantageously reduces the complexity of processing. The cache thread reads and performs maintenance on the parsed packets as described below.

As will be recognized by one skilled in the art, a parsed statistical packet represents all of the different pieces of information included in a single page load on a Web server. A single hit can have the effect of causing in excess of 40 individual values in the relational database to be incremented. With daily hit quantities in the millions, directly updating a relational database would quickly overwhelm the capacity of the database storage media. In one preferred embodiment, the cache thread is implemented as follows: First, the cache data structures are abstracted to appear programmatically as simple data structures; second, each cache is configured with a maximum number of elements; third, when a cache member is requested that is not within the cache's current dataset, a request is made transparently to the database for the data corresponding to the specified key; fourth, if this action would cause the cache to have too many elements, the least recently used element is flushed (i.e., any changes are committed to the database) and deleted; and fifth, changed data items throughout the entire cache are periodically flushed. This embodiment is particularly advantageous where efficient use of the database storage media is desired.

The rationale for using this kind of caching scheme is based on the proportional distribution of hits per day. For example, a "busy" client Web site may receive 432,000 hits/day or 5 hits/second; an "average" client Web site may receive 86,400 hits/day, or 1 hit/second; and a "slow" client Web site may receive 2,880 hits/day or 0.033 hits/second. If the Web server of the present invention receives a 10 hits/second as a result of viewers accessing client Web sites, the distribution of hits received attributable to the busy, average, and slow Web sites is 50%, 10%, and 3.33%, respectively. If data is cached and flushed at a rate of 1 flush per minute instead of updating of the database each time a hit is received, then the database load and network traffic are reduced by a factor of 600, 120, and 2 for the busy, moderate, and slow Web sites, respectively.

Post-Session Database. In one preferred embodiment, the present invention includes a relational database for storing member account information and

statistical data on focus time.

Alternative Media

FIGS. 4 to 7, and 9 show one exemplary preferred embodiment of the present invention that uses computers and the Web. This exemplary preferred embodiment is explained in greater detail above.

The present invention is well suited to alternative media such as a telephone. For example, a viewer 26 may request a display 34 from a client 20 airline using as media 28 the viewer's telephone. The display 34 consists of the audio communication interface (which may be an actual person or an automated voice response unit) provided by the client 20 airline and the foreground platform 32 consists of a telephone circuit. In this example, the viewer's 26 request for an audio communication interface (e.g., dialing) from the client 20 airline is a load triggering event that causes a post-session procedure to be delivered to media 28 (e.g., the viewer's telephone). When the view triggering event (e.g., hanging up the phone) occurs, the audio communication advertisement is brought to the foreground (e.g., an automatic call back feature) and played. In this example, the post-session procedure requests a post-session platform (a second telephone circuit) which in turn requests a display 30. In this example, display 30 might be an audio communication advertisement provided by a client 20 rental car company or an audio communication advertisement provided by a client 20 lodging provider. The post-session second telephone circuit is sent to the background and does not disrupt the viewer's 26 perception of the audio communication interface 32. It should be noted that the telephone media might not actually be sent to the background, but could wait to run in the background until the view triggering event occurs.

Another alternative media is television. For example, a viewer 26 requests a display 34 from a client 20 television broadcaster using television as media 28. The display 34 consists of broadcast content, such as a television program and the foreground platform 32 consists of a television channel. In this example, the viewer's 26 request for display 34 (e.g., television program) is a load triggering event that causes a post-session procedure to be delivered to media 28 (e.g., the interactive television). A view triggering event occurs when the viewer changes the display 34 (e.g., broadcast context), and as a result a post-session platform 24 (e.g., television channel) is brought to the foreground. (It should be noted that the post-session procedure, in this example, causes the post-session platform to be opened upon and sent to the background upon a load triggering event.) In this example, post-session display 30 may consist of an advertisement that is presented within the post-session platform 24.

Alternative Embodiments

Although the present invention has been discussed in terms of the Internet, alternative media is also contemplated within the scope of the invention. For example, as shown in the exemplary embodiments discussed above, interactive television and wireless communication devices would be ideally suited to the method described in this disclosure. Further, although the terms "Web server," "Web site," and "Web page," are used throughout this disclosure, they are used in the generic sense and are not meant to exclude their equivalent as associated with intranets, LANs, WANS, or alternate media.

Alternative embodiments could be developed in which the order of the operations is changed. For example, the function of the script handler 42 may be carried out after the load triggering event. Another example would be one in which the function of the event handler 44 is carried out after the view triggering event. Yet another example would be combining the functions of the script and event handlers so that the post-session platform is opened and sent to the background by the "script handler" prior to the load triggering event. Still another example is one in which the entire system is delayed for a significant period so that the post-session platform and display 24, 30 do not become visible for a predetermined time, a predetermined number of view triggering events, or a specific type of triggering event. The invention could also be implemented by having the post-session platform and display 24, 30 come to the foreground after a predetermined period of time (for example, thirty minutes or two hours), a predetermined number of view triggering events, or a specific type of triggering event.

Although the present invention has been discussed as a sequence of steps as shown in FIG. 8, it is contemplated that the functions of the shown steps could be combined into a smaller number of steps or could be expanded to include additional steps and sub-steps. In one preferred embodiment, the functions of opening and sending to the background a post-session platform and display may be performed in a single step.

It should be noted that although FIG. 1 shows a single client 20, it should be noted that an alternative preferred embodiment contemplates multiple clients. For example, the present invention may be used with a collection of independent Web sites related by a common theme (e.g. Web sites featuring Thai cooking, a Thai restaurant, travel to Thailand, the Thai language, the Thai religion, and Thailand). The present invention may also be used with a network of related sites. For example, a commercial enterprise with several lines of business may have a Web site for each line of business, such as food products, cooking supplies, a travel agency, and a book seller. These commonly owned Web sites featuring different topics could jointly use the present invention.

It should be noted that in one preferred embodiment, a client 20 registers to use the system by accessing a Web server 22. A client 20 registering to use the present invention provides the Web server 22 with information such as client name, company name, address, e-mail address, telephone address, line of business, planned advertising budget, estimated daily traffic, Web site information, and other similar information. In a first alternate preferred embodiment, a client 20 uses the present invention without registering. In a second alternate preferred embodiment, a client 20 uses the present invention for free. In another preferred embodiment, the client 20 registers for a fee.

As has been discussed above, a load triggering event causes a post-session platform to be opened and immediately sent to the background. It should be understood that the term "immediately" ideally means instantaneously or without any perceptible time delay. But this term may also mean a momentary time delay that is perceptible so long as the delay does not disturb the viewer's viewing experience.

As shown in FIG. 8, a load triggering event 58 causes a post-session platform to open 60 and also causes the post-session platform to request a post-session display 62. In one preferred embodiment, the event handler 44 returns a link to a single post-session display 45b, 64. In alternative embodiments, the post-session display may be refreshed one or more times. In other words, the event handler may deliver multiple links to the post-session platform that are downloaded at periodic intervals while the post-session platform remains in the background. In these alternative embodiments, the post-session display may be refreshed even though a new load triggering event has not occurred.

The terms and expressions that have been employed in the foregoing specification are used as terms of description and not of limitation and are not intended to exclude equivalents of the features shown and described or portions of them. The scope of the invention is defined and limited only by the claims that follow.

CLAIMS

1. A post-session advertising system for use in a media having a background and a foreground, comprising the steps of: (a) displaying a first display in a first platform in said foreground of said media; (b) initiating a load triggering event; (c) opening a post-session platform in response to said load triggering event in said background of said media; (d) displaying a post-session display on said post-session platform; and (e) maintaining said post-session platform in said background until a viewer driven view triggering event occurs.
2. The system of claim 1 wherein said steps of displaying a first display in a first platform and said step of opening a post-session platform further include the steps of displaying a first display in a first interactive media platform and opening a post-session interactive media platform, respectively.
3. The system of claim 1, further comprising the step of timing the duration from said view triggering event to said platform being closed.
4. The system of claim 1, further comprising the step of bringing said post-session platform to the foreground in response to a view triggering event.
5. The method of claim 1, further comprising the step of timing the duration said post-session platform remains in the foreground.
6. The method of claim 1, wherein said step of opening a post-session platform in response to said load triggering event is forgone if a predetermined time period has not elapsed.
7. A post-session advertising system for use in a media having a background and a foreground, said system comprising: (a) a first platform for displaying a first display in said foreground of said media; (b) a post-session platform for displaying a post-session display in said background of said media in response to a load triggering event; (c) a Web server for providing a link to said post session display in response to said load triggering event; (d) said post-session platform coming to said foreground of said media in response to a viewer driven view triggering event.
8. The system of claim 7 wherein said media is selected from a group consisting of: (a) a communication device; (b) a computer; (c) personal digital assistant; (d) telephone; (e) television; and (f) radio.

9. The system of claim 7 wherein said first and post-session displays are selected from a group consisting of: (a) a Web site; (b) a Web page; (c) interactive media; (d) video broadcast content; and (e) audio broadcast content.

5 10. The system of claim 7 wherein said first and post-session platforms are selected from a group consisting of: (a) a Web browser; (b) a television channel; (c) a telephone line; (d) a radio station; (e) streaming media; (f) content delivery applications; (g) media viewing technology; and (h) interactive technology.

10 11. The system of claim 7 wherein said load triggering event is selected from a group consisting of: (a) clicking on an off-site link; (b) entering a new address; (c) load; (d) unload; (e) click; (f) resize; (g) submit; (h) focus; (i) blur; (j) move; (k) key press; (l) select; (m) change; (n) refresh; (o) open; (p) close; (q) redirect; (r) enter; (s) exit; (t) end of program; (u) beginning of program; (v) end of
15 session; (w) change of service; (x) time; and (y) a combination of at least two of said load triggering events of (a)-(x).

12. The system of claim 7 wherein said view triggering event is selected from a group consisting of: (a) closing said first platform; (b) selecting said
20 post-session platform; (c) clicking on an off-site link; (d) entering a new address; (e) load; (f) unload; (g) click; (h) resize; (i) submit; (j) focus; (k) blur; (l) move; (m) key press; (n) select; (o) change; (p) refresh; (q) open; (r) redirect; (s) enter; (t) exit; (u) end of program; (v) beginning of program; (w) end of session (x) change of service; (y) time; and (z) a combination of at least two of said load triggering events of (a)-(y).

25 13. The system of claim 7 wherein said view triggering event causes a focus timer process to initiate.

30 14. A post-session advertising method comprising the steps of: (a) accessing a first display by a viewer; (b) initiating a load triggering event as said viewer exits said first display; (c) providing delayed post-session display to be held until a viewer driven view triggering event occurs; and (d) displaying said post-session display upon the occurrence of said view triggering event.

35 15. A method for delivering displays to viewers and for exchanging traffic between platforms, comprising the steps of: (a) obtaining post-session instructions from a Web server and adding said post-session instructions to a display; (b) opening said display with a foreground platform; (c) initiating a load triggering event; (d) opening a post-session platform in the background of said foreground

platform in response to said load triggering event; and (e) maintaining said post-session platform behind said foreground platform until a viewer driven view triggering event occurs.

5 16. The method of claim 15, further comprising the step of timing the duration from said view triggering event to said platform being closed.

 17. The method of claim 15, further comprising the step of moving said post-session platform to the foreground in response to a view triggering event.

10

 18. The method of claim 17, further comprising the step of timing the duration said post-session platform remains in the foreground.

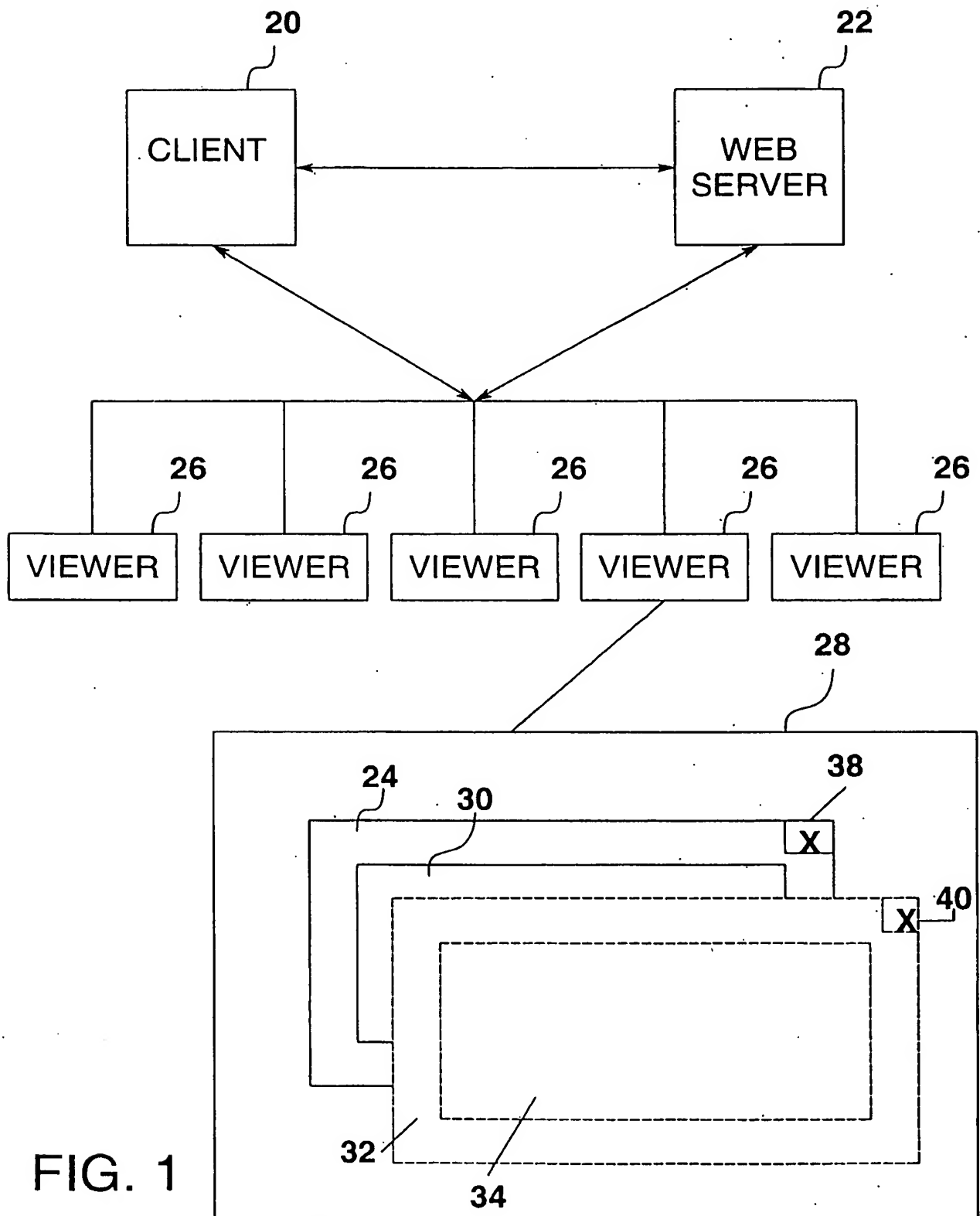
 19. The method of claim 15, wherein said step of opening a post-session platform in response to said load triggering event is forgone if a
15 predetermined time period has not elapsed.

POST-SESSION INTERNET ADVERTISING SYSTEM

ABSTRACT OF THE DISCLOSURE

5 The present invention is directed to a post-session advertising system that may be used in media such as computers, personal digital assistants, telephones, televisions, radios, and similar devices. In one preferred embodiment, a first display is viewed in a first platform in the foreground of a media by a viewer. A viewer initiates a load triggering event and in response, a post-session platform is opened to display a
10 post-session display in the background of the media. Significantly, in the preferred embodiment, the post-session platform stays in said background until a view triggering event occurs. The type of platform and display used will depend significantly on the media. In one preferred embodiment of the present invention an optional focus timer is activated by the view triggering event to allow an accurate
15 assessment of the actual time a viewer focuses on the display in the post-session platform. In another alternate preferred embodiment of the present invention, the number of post-session platforms is limited to, for example, one platform.

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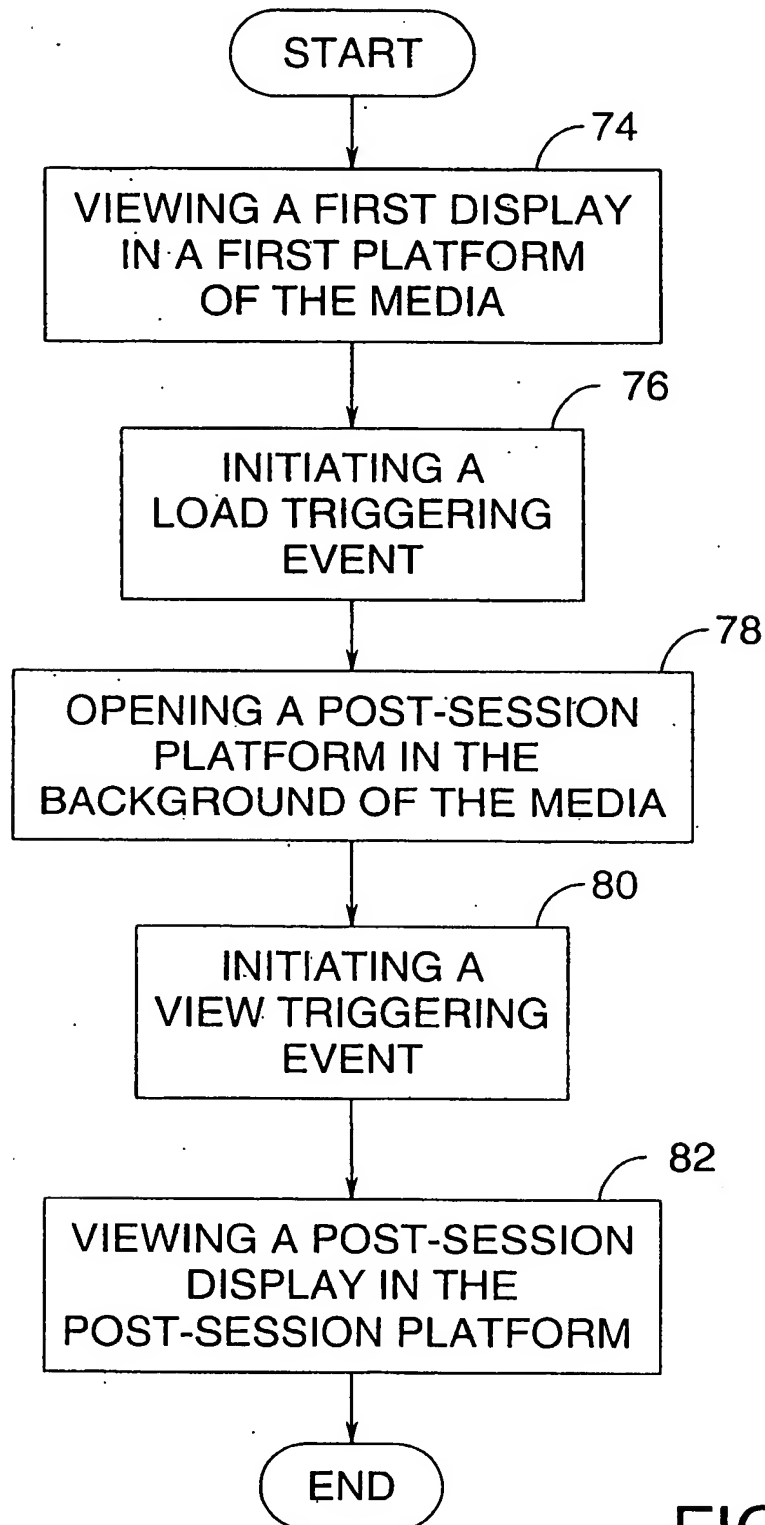


FIG. 2

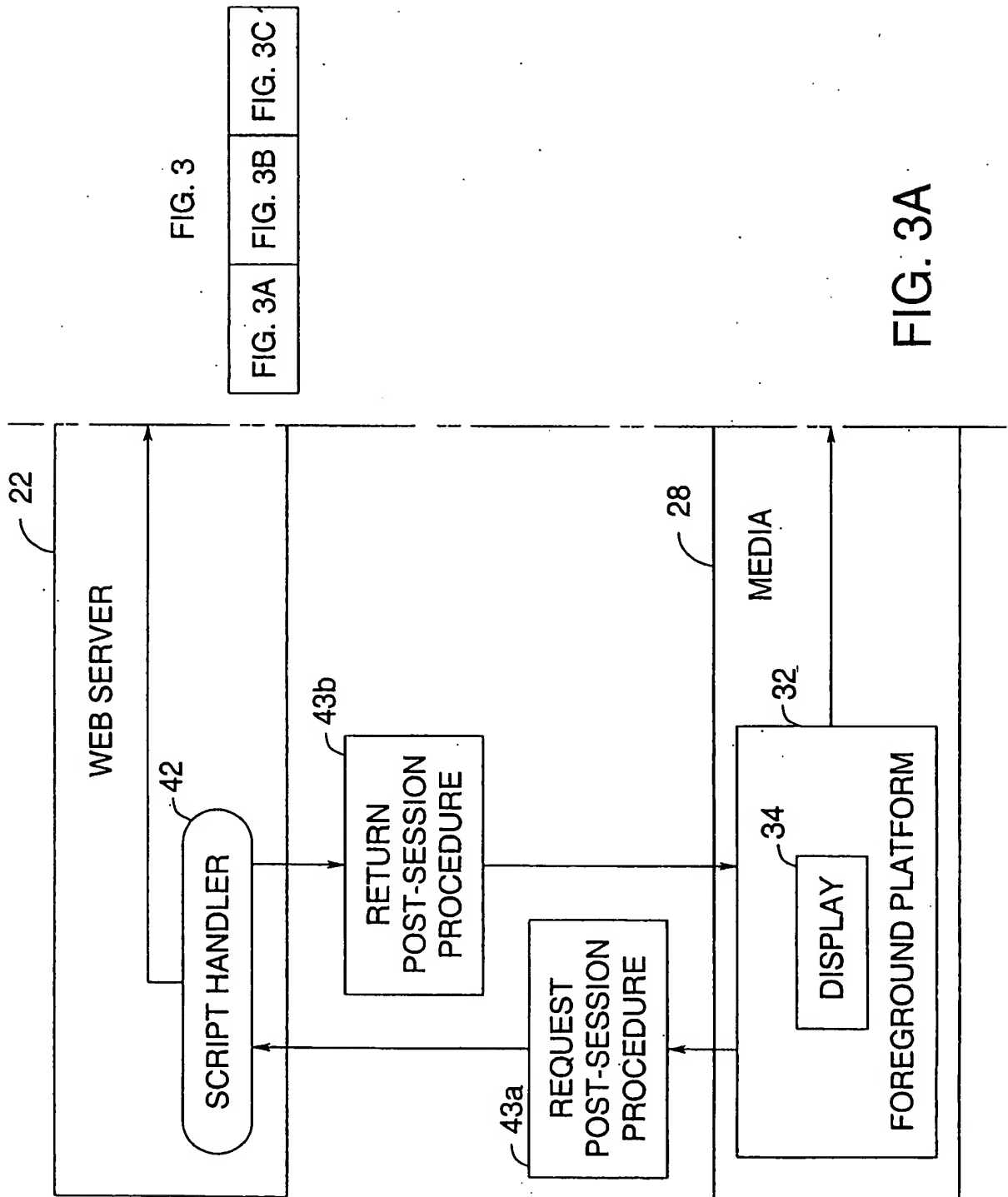
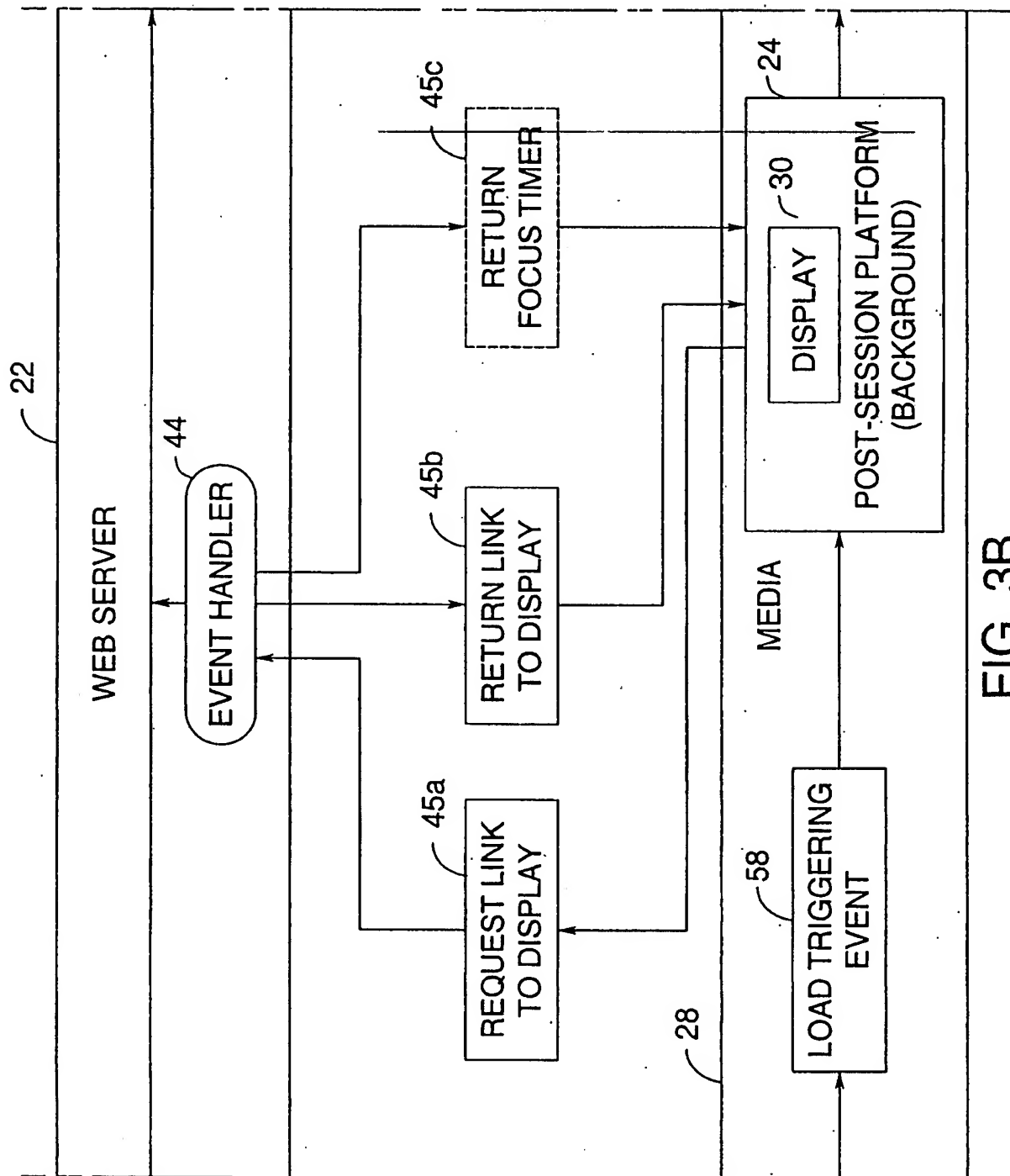


FIG. 3A



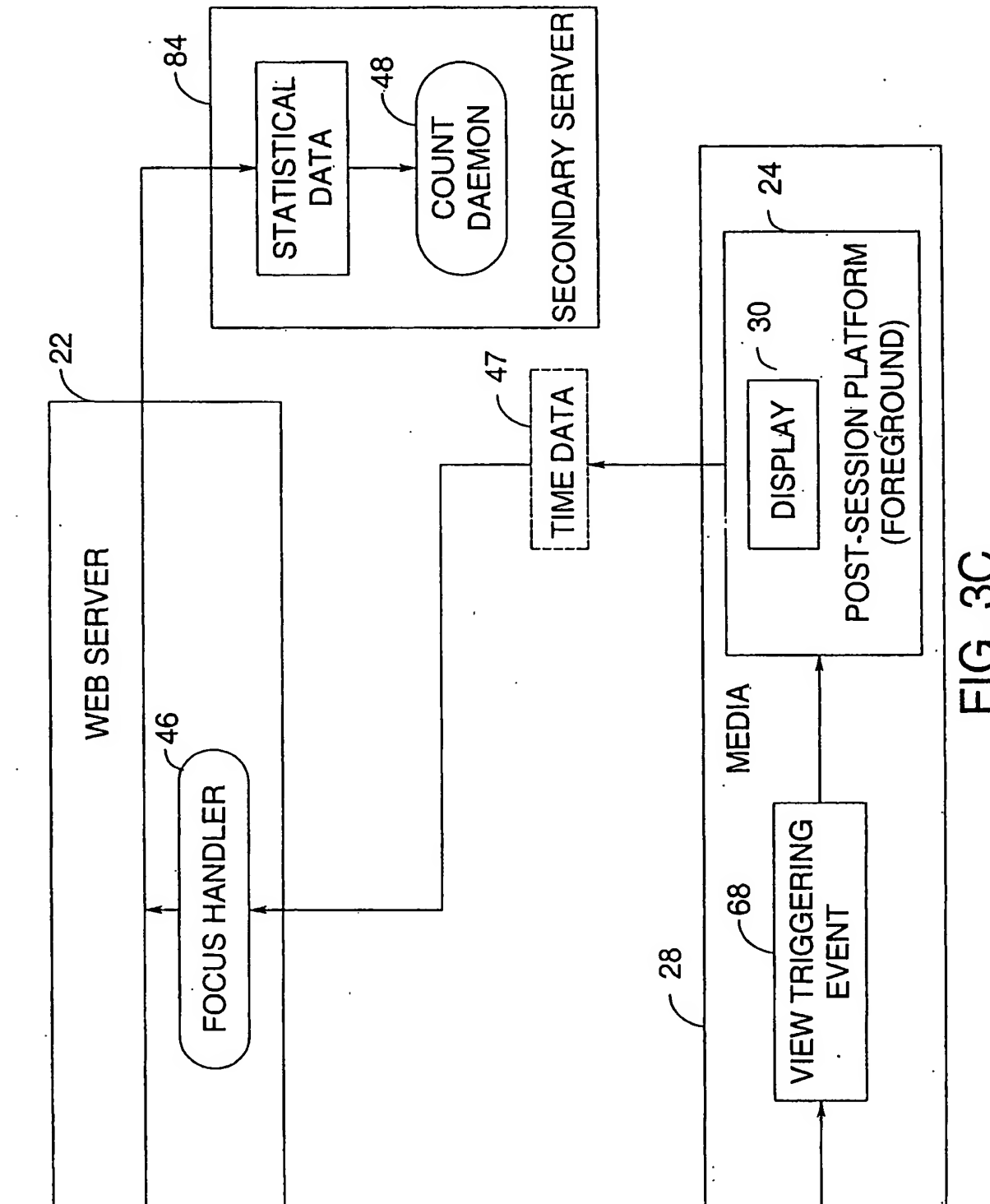


FIG. 3C

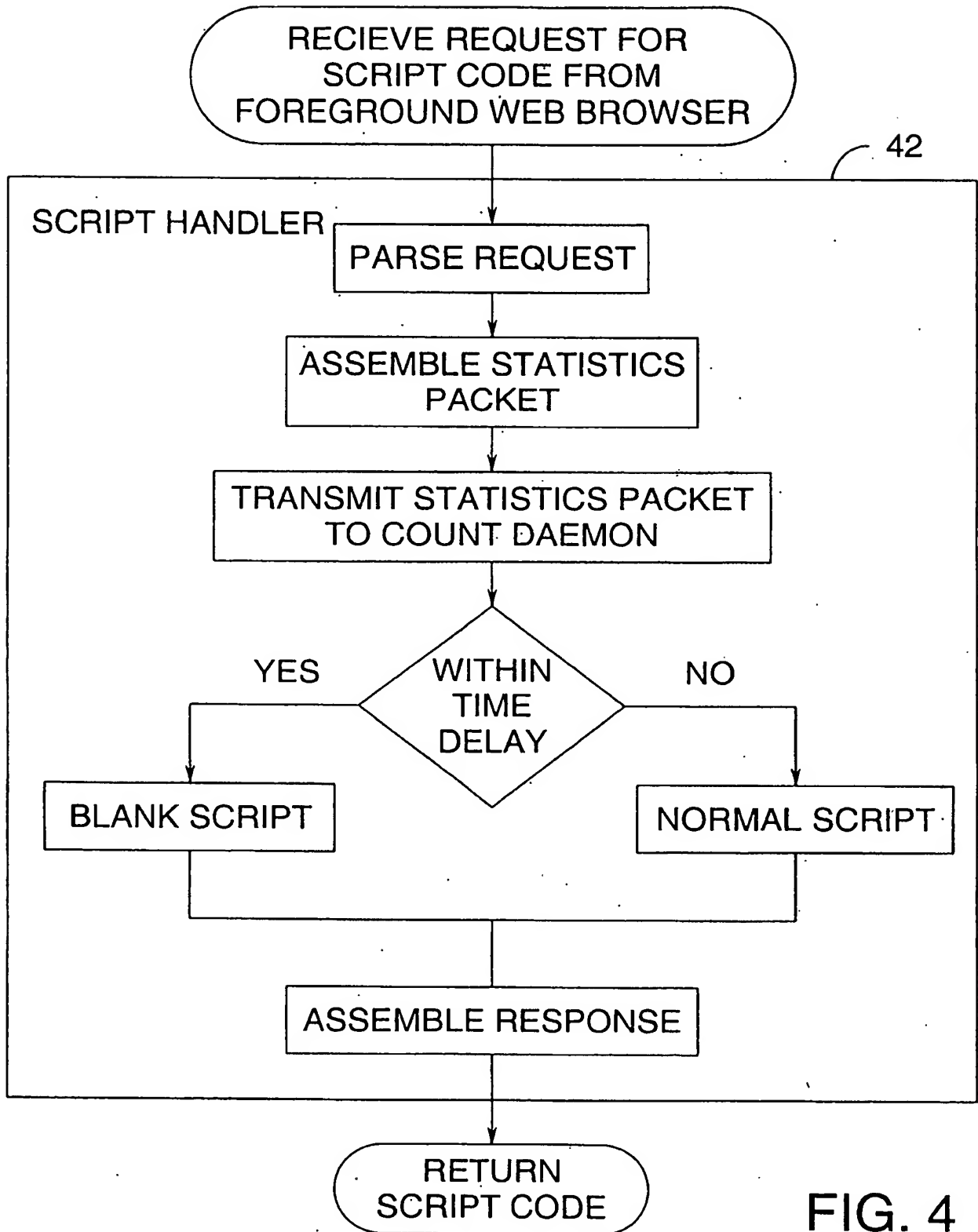


FIG. 4

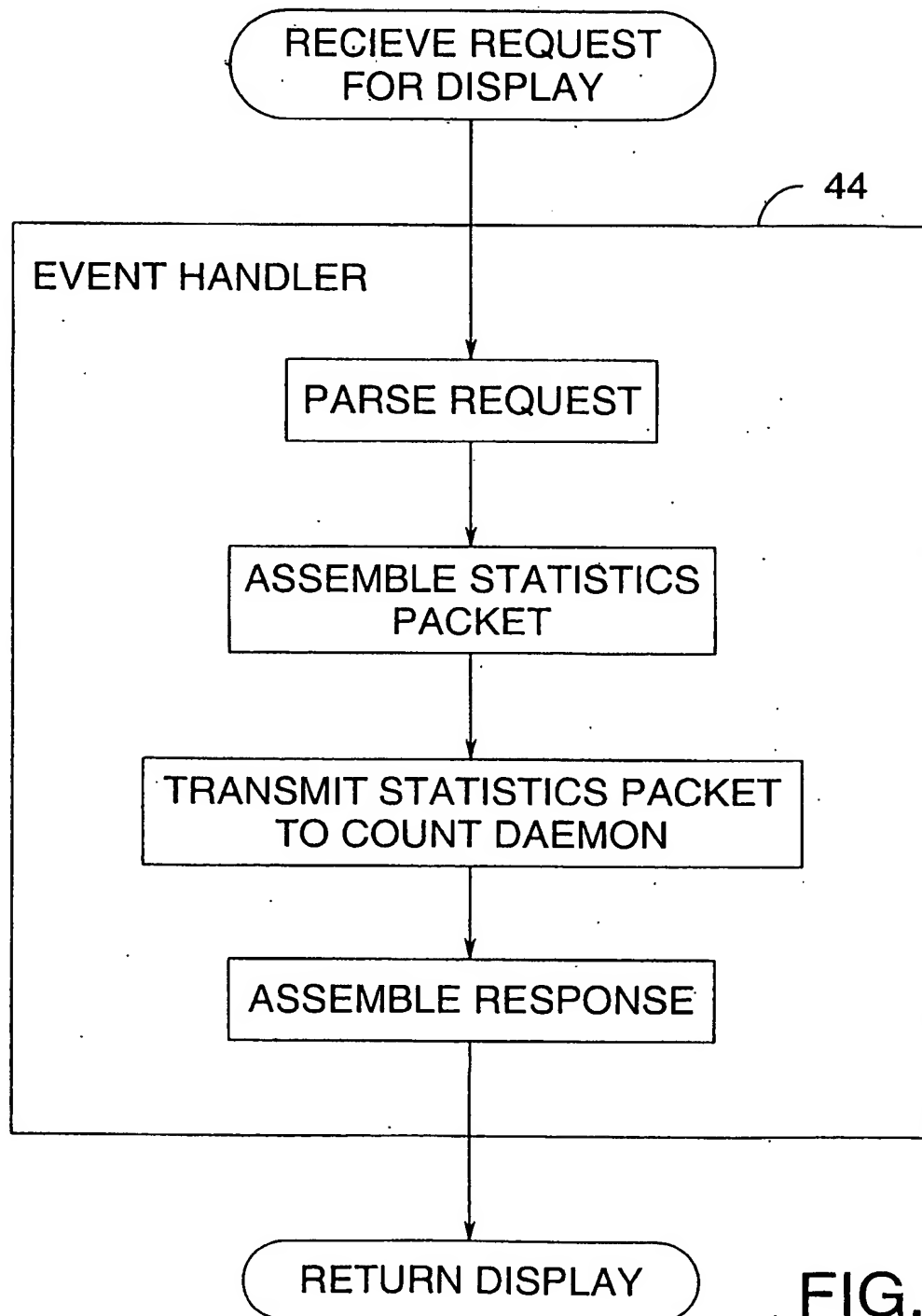


FIG. 5

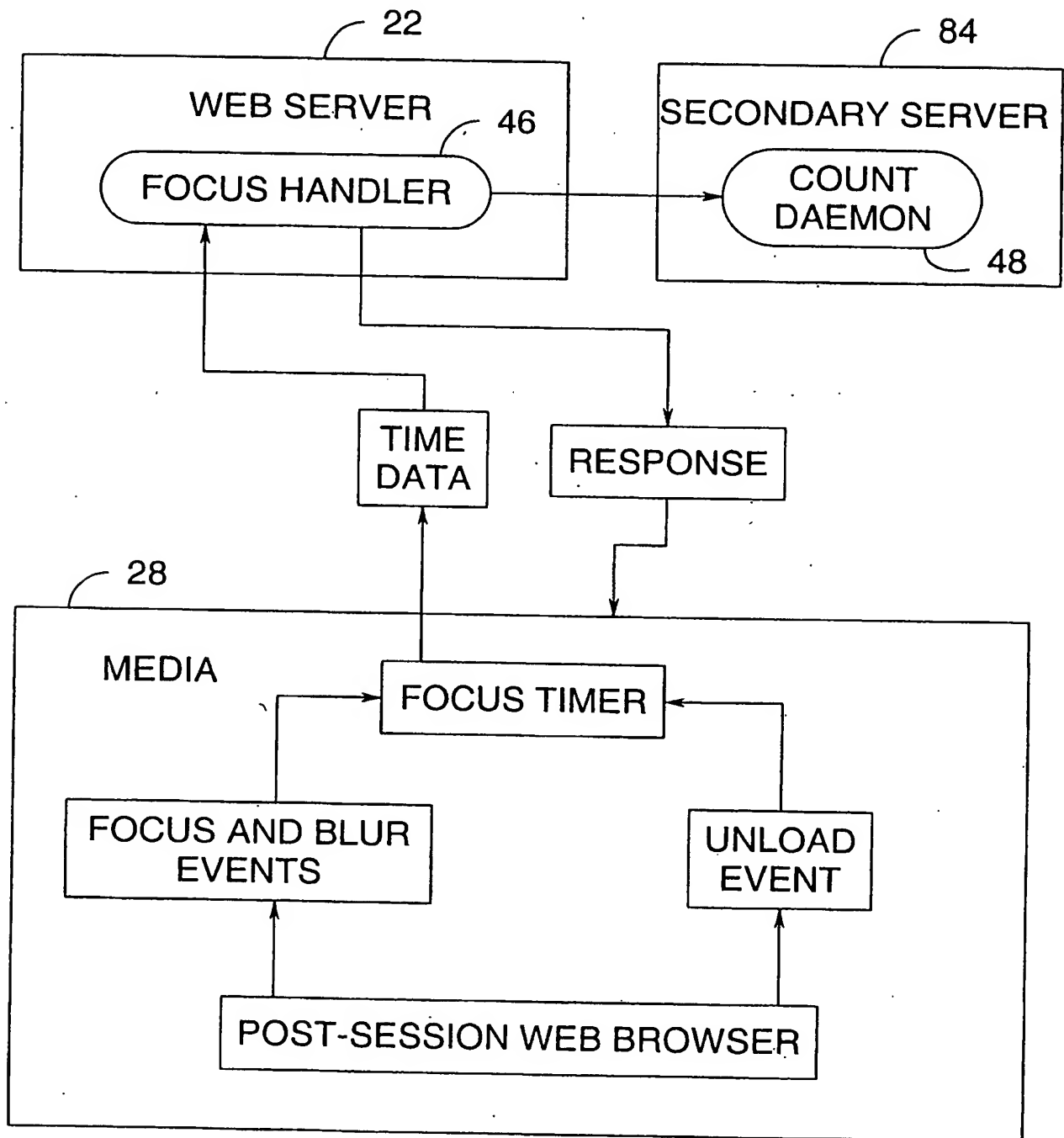


FIG. 6

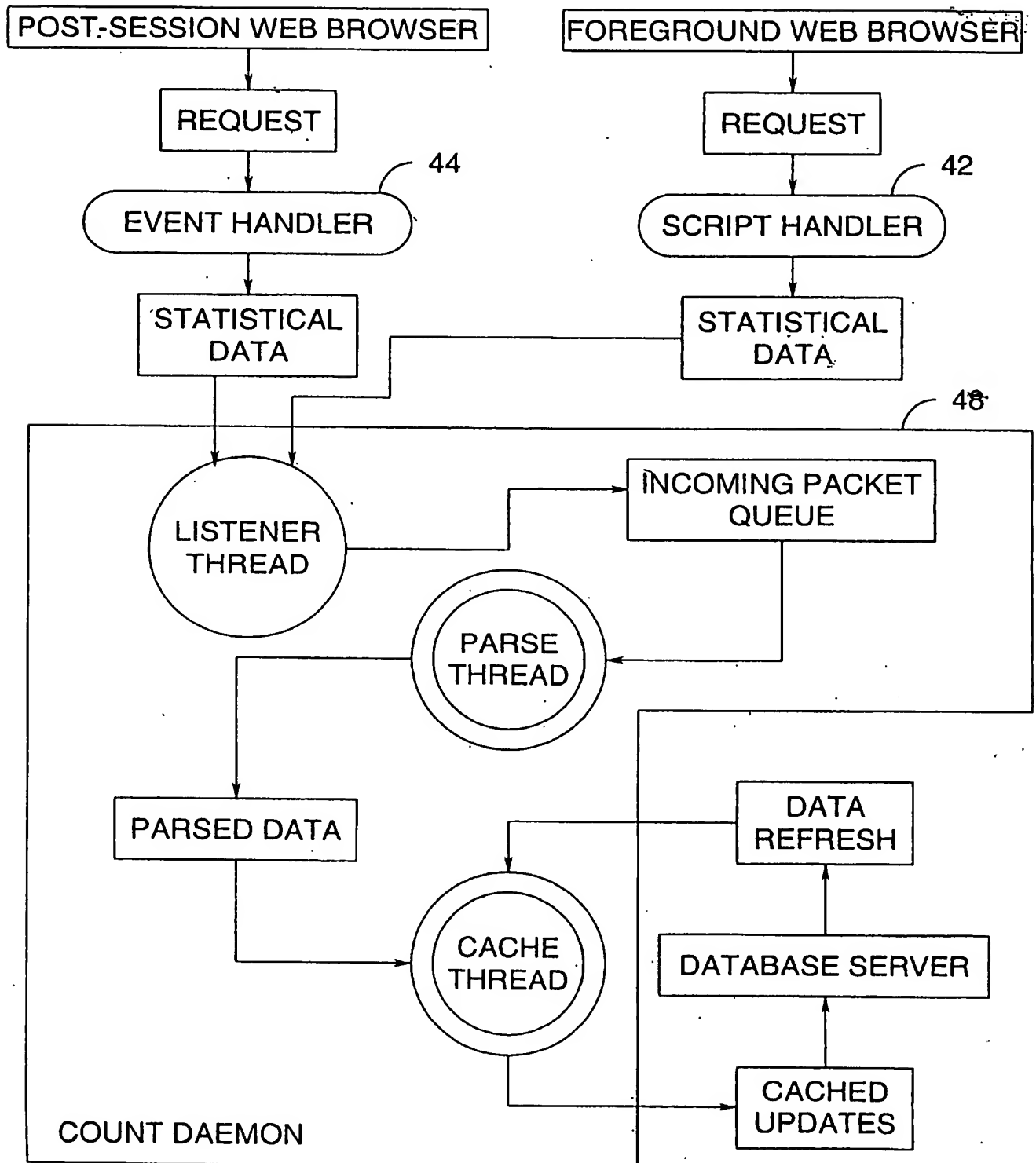


FIG. 7

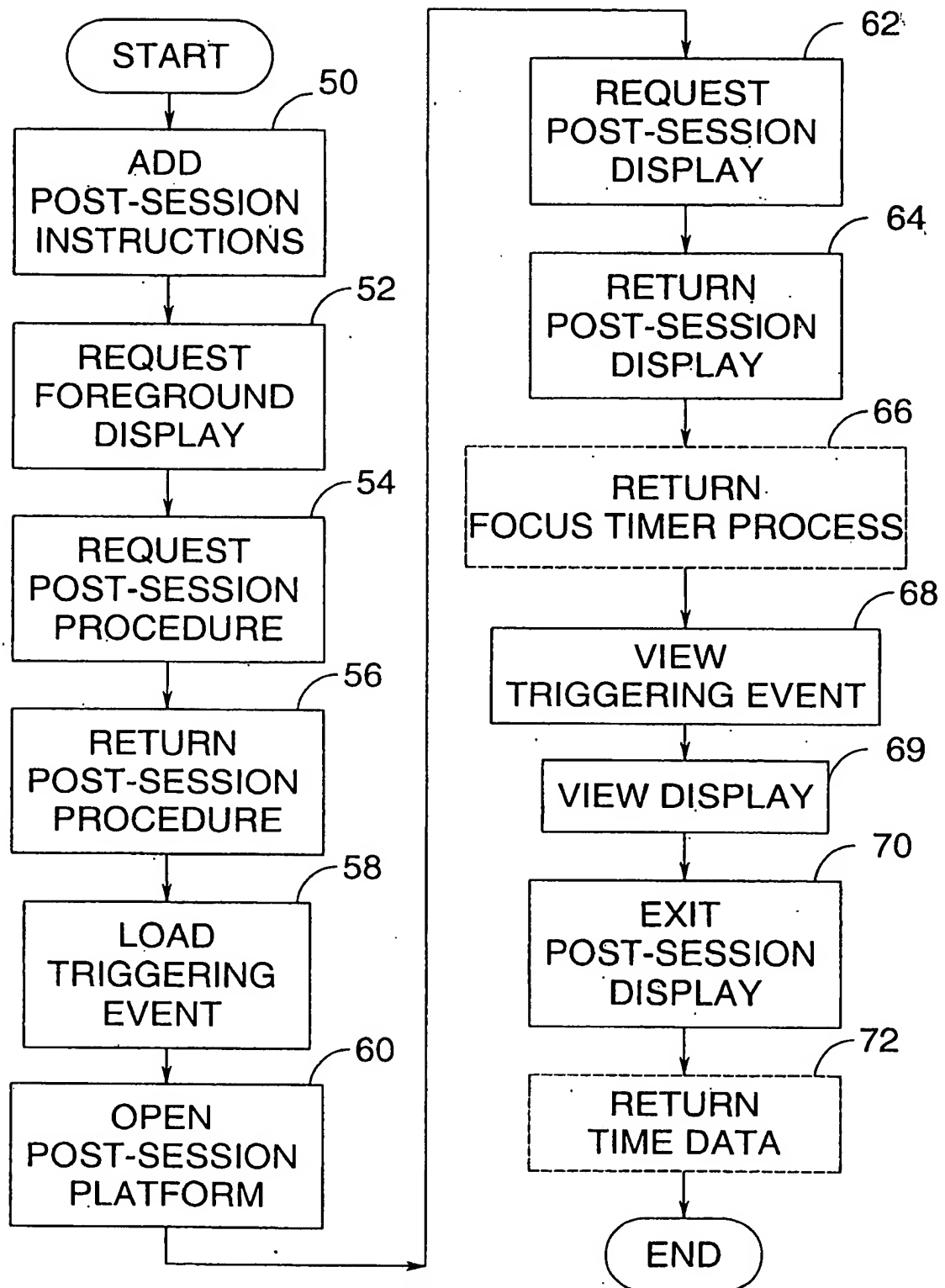


FIG. 8

Invention: POST-SESSION INTERNET ADVERTISING SYSTEM

Filed: Herewith

Attorney: Kevin L. Russell, Reg. # 38,292

Inventors: Vilcauskas et al.

Telephone: (503) 227-5631

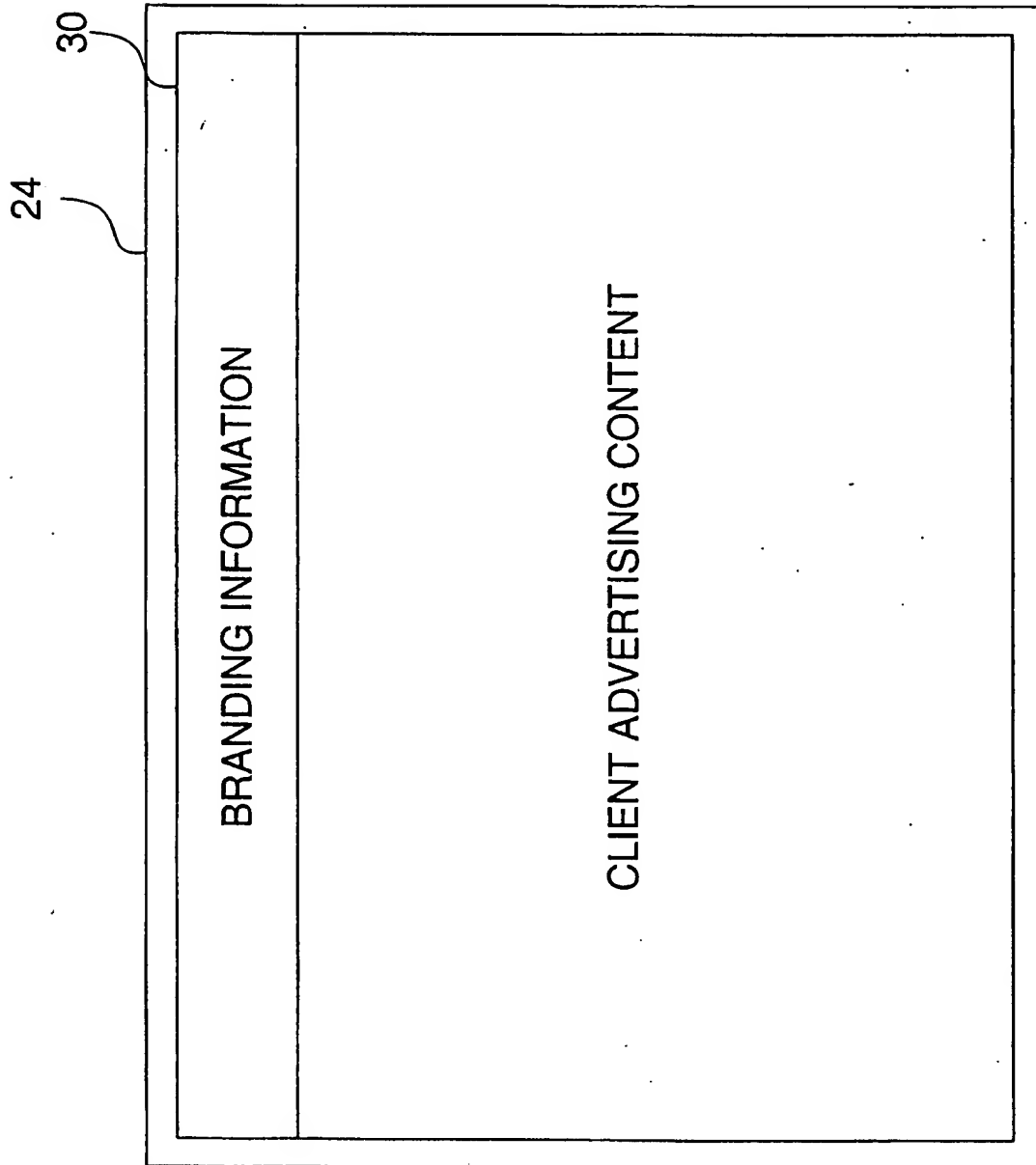


FIG. 9

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**DECLARATION FOR UTILITY OR
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(37 CFR 1.63)**



Declaration
Submitted
with Initial
Filing

OR



Declaration
Submitted after Initial
Filing (surcharge
(37 CFR 1.16 (e))
required)

Attorney Docket Number

~~KDO-195860-1~~

First Named Inventor

Andrew J. Vilcauskas

COMPLETE IF KNOWN

Application Number

/

Filing Date

Concurrently herewith

Group Art Unit

Examiner Name

As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

POST-SESSION INTERNET ADVERTISING SYSTEM

(Title of the Invention)

the specification of which



Is attached hereto

OR



was filed on (MM/DD/YYYY)

as United States Application Number or PCT International

Application Number

and was amended on (MM/DD/YYYY)

(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

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			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

[Page 1 of 2]

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NAME OF SOLE OR FIRST INVENTOR: ☐ A petition has been filed for this unsigned inventor

Given Name
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Family Name
or Surname Vilcauskas, Jr.

Inventor's
Signature

Date 5-24-01

Residence: City Tualatin

State OR

Country USA

Citizenship USA

Mailing Address 7305 SW Delaware Circle

City Tualatin

State OR

ZIP 97062

Country USA

NAME OF SECOND INVENTOR: ☐ A petition has been filed for this unsigned inventor

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Family Name
or Surname Bloodgood III

Inventor's
Signature

Date 5-24-01

Residence: City Portland

State OR

Country USA

Citizenship USA

Mailing Address 236 SE 90th

City Portland

State OR

ZIP 97216

Country USA

☒ Additional inventors are being named on the 1 supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.

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PTO/SB/02A (11-00)


Approved for use through 10/31/2002. OMB 0651-0032

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DECLARATION

ADDITIONAL INVENTOR(S)
Supplemental Sheet
Page 1 of 1

Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any])		Family Name or Surname	
Matthew G.		Middleton	
Inventor's Signature 		Date <u>5-24-01</u>	
Residence: City	Portland	State	OR
		Country	USA
		Citizenship	USA
Mailing Address 14880 NW Fawnlily Drive			
Mailing Address			
City	Portland	State	OR
		ZIP	97229
		Country	USA
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any])		Family Name or Surname	
Inventor's Signature		Date	
Residence: City		State	
		Country	
		Citizenship	
Mailing Address			
Mailing Address			
City		State	
		ZIP	
		Country	
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any])		Family Name or Surname	
Inventor's Signature		Date	
Residence: City		State	
		Country	
		Citizenship	
Mailing Address			
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
STATEMENT UNDER 37 CFR §3.73(b)

Applicants: Andrew J. Vilcauskas et al.

Application No: _____ Filed: Concurrently Herewith
(DIV. of 09/866,425)

Title: POST-SESSION INTERNET ADVERTISING SYSTEM

Assignee: ExitExchange Corporation, an Oregon corporation
(Type of Assignee, e.g., corporation, partnership,
university, government agency, etc.)

states that it is the assignee of the entire right, title and interest in
the patent application identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application
identified above. The assignment was recorded in the Patent and
Trademark Office at Reel 011858, Frame 0262, or for which a copy
thereof is attached.

OR

B. ☐ a chain of title from the inventor(s), of the patent application
identified above, to the current assignee as shown below:

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The document was recorded in the Patent and Trademark Office at
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☐ Additional documents in the chain of title are listed on a
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The undersigned (whose title is supplied below) is empowered to sign
this Statement on behalf of the assignee.

Date: 2/29/04

Name: Kevin L. Russell

Title: Attorney for Assignee (copy of Power of Attorney is attached)

Signature: _____

Chernoff, Vilhauer, McClung & Stenzel, LLP
1600 ODS Tower
601 S.W. Second Avenue
Portland, Oregon 97204-3157
Tel: (503) 227-5631

(Customer No. 000152)

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PTO/SB/82 (09-03)

Approved for use through 11/30/2005. OMB 0651-0035

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**REVOCATION OF POWER OF
ATTORNEY WITH
NEW POWER OF ATTORNEY
AND
CHANGE OF CORRESPONDENCE ADDRESS**

Application Number	09/866,425
Filing Date	May 24, 2001
First Named Inventor	Vilcauskas
Art Unit	2177
Examiner Name	
Attorney Docket Number	KLR:8096.0008

I hereby revoke all previous powers of attorney given in the above-identified application.

☐ A Power of Attorney is submitted herewith.

OR

☒ I hereby appoint the practitioners associated with the Customer Number:

00152

☒ Please change the correspondence address for the above-identified application to:

☒ The address associated with
Customer Number:

00152

OR

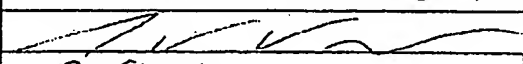
<input type="checkbox"/> Firm or Individual Name	Kevin L. Russell of Chernoff, Vilhauer, McClung & Stenzel, LLP				
Address	1600 ODS Tower				
Address	601 SW Second Avenue				
City	Portland	State	OR	Zip	97204
Country	USA				
Telephone	(503) 227-5631	Fax	(503) 228-4373		

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

Name	Andrew J. Vilcauskas, President of ExitExchange Corporation				
Signature					
Date	2-8-04		Telephone	503 816 1001	

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

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PATENT APPLICATION FEE DETERMINATION RECORD

Effective October 1, 2003

Application or Docket Number

10784318

CLAIMS AS FILED - PART I

	(Column 1)	(Column 2)
TOTAL CLAIMS	19	
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	19 minus 20 =	*
INDEPENDENT CLAIMS	4 minus 3 =	1
MULTIPLE DEPENDENT CLAIM PRESENT <input type="checkbox"/>		

* If the difference in column 1 is less than zero, enter "0" in column 2

SMALL ENTITY
TYPE ☐

OR OTHER THAN
SMALL ENTITY

RATE	FEE
BASIC FEE	385.00
XS 9=	
X43=	43
+145=	
TOTAL	428

RATE	FEE
BASIC FEE	770.00
XS18=	
X86=	
+290=	
TOTAL	

CLAIMS AS AMENDED - PART II

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total	Minus	**
	Independent	Minus	***
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>		

SMALL ENTITY

OR OTHER THAN
SMALL ENTITY

RATE	ADDITIONAL FEE
XS 9=	
X43=	
+145=	
TOTAL ADDIT. FEE	

RATE	ADDITIONAL FEE
XS18=	
X86=	
+290=	
TOTAL ADDIT. FEE	

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total	Minus	**
	Independent	Minus	***
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>		

RATE	ADDITIONAL FEE
XS 9=	
X43=	
+145=	
TOTAL ADDIT. FEE	

RATE	ADDITIONAL FEE
XS18=	
X86=	
+290=	
TOTAL ADDIT. FEE	

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT C	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total	Minus	**
	Independent	Minus	***
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>		

RATE	ADDITIONAL FEE
XS 9=	
X43=	
+145=	
TOTAL ADDIT. FEE	

RATE	ADDITIONAL FEE
XS18=	
X86=	
+290=	
TOTAL ADDIT. FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

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PATENT APPLICATION SERIAL NO. _____

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02/27/2004 HTECKLU1 00000001 10784358

01 FC:2001	385.00 OP
02 FC:2201	43.00 OP

Repln. Ref: 02/27/2004 HTECKLU1 0007245200
DAH:031550 Name/Number:10784358
FC: 9204 \$43.00 CR

PTO-1556
(5/87)

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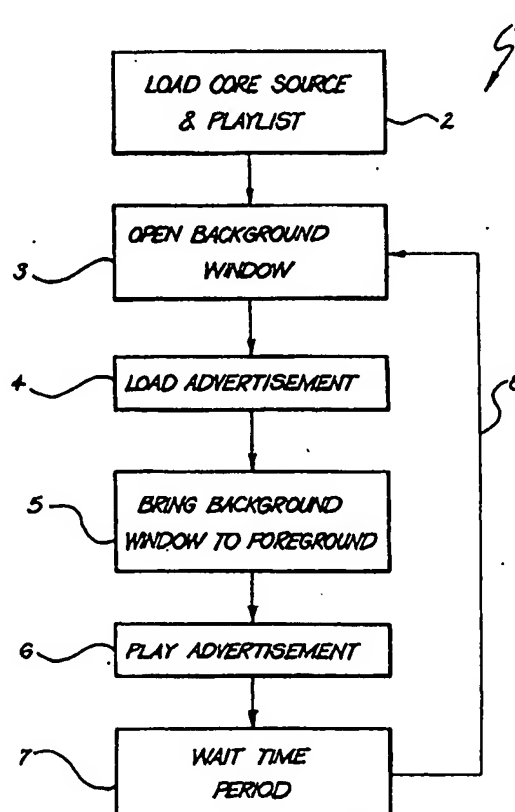
INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(51) International Patent Classification ⁶ : G06F 19/00	A1	(11) International Publication Number: WO 99/59097 (43) International Publication Date: 18 November 1999 (18.11.99)
(21) International Application Number: PCT/AU99/00350 (22) International Filing Date: 11 May 1999 (11.05.99) (30) Priority Data: PP 3473 11 May 1998 (11.05.98) AU (71) Applicant (for all designated States except US): CREATIVE EDGE INTERNET SERVICES PTY. LTD. [AU/AU]; Suite 501, 56 Berry Street, North Sydney, NSW 2060 (AU). (72) Inventor; and (75) Inventor/Applicant (for US only): WERKHOVEN, Richard, John [AU/AU]; 111 Wallis Street, Strathfield, NSW 2135 (AU). (74) Agent: GRIFFITH HACK; Patent & Trade Mark Attorneys, G.P.O. Box 4164, Sydney, NSW 2001 (AU).		(81) Designated States: AE, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, CA, CH, CN, CU, CZ, DE, DK, EE, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MD, MG, MK, MN, MW, MX, NO, NZ, PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM, TR, TT, UA, UG, US, UZ, VN, YU, ZA, ZW, ARIPO patent (GH, GM, KE, LS, MW, SD, SL, SZ, UG, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GW, ML, MR, NE, SN, TD, TG). Published With international search report.

(54) Title: INTERNET ADVERTISING SYSTEM

(57) Abstract

In a computer user interface environment for the display of information, a method is disclosed of providing push content delivery comprising the steps of: (a) providing a popup window having determined content, the popup window being provided after a predetermined time of a user viewing predetermined information and the recording of the completion of content delivery where the user has not closed the abovementioned popup window prior to completion of the display of the determined content and (b) the window disappearing after a second predetermined interval.



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INTERNET ADVERTISING SYSTEM

Field of the Invention

The present invention relates to the utilization and delivery of content when utilizing a user interface on a computer and has application to advertising over the Internet as well as other forms of content delivery.

Background of the Invention

Recently, society has seen an explosion in the utilization of the Internet and other similar computer networks for the conveyancing information. In particular, the "World Wide Web", has provided for the cataloguing and accessing of almost an infinite amount of information.

While web pages were originally a vehicle limited to placing text on a screen on remote computers, web pages have effectively become a receptacle for sound, pictures, animations and a form of video, amongst other forms of information.

Further, recently, the World Wide Web has experienced a high degree of commercialization. It is now common to provide for advertising over the World Wide Web. Within any advertising program, one objective is to ensure the advertising is effective in placing the message before the viewer. Hence, the placement of appropriate advertising with certain Internet sites has grown up as a separate Internet industry with the resulting revenue from advertising often driving the production of web pages. Of course, with such developments as the convergence of the Internet with interactive television and the further convergence with computer operating systems, the utilization of advertising is becoming more important generally within such computer systems.

Despite innovations in Internet-related technology, there is often a significant delay between content being requested by a user from a provider and that requested information being displayed on the computer screen which can result in such requests being cancelled by users before the content can be displayed. One consequence of this for advertising is that many users fail to view the intended advertisements. The delay is often due to the bandwidth limitations of delivery. In practice, users are very sensitive to waiting for extended periods for content delivery.

Another shortcoming with existing form of Internet-based advertising is that, due to limitations of existing browsers and code in use, there is no way for the advertiser to determine if the user had closed the window containing the advertisement before the advertisement could complete its presentation.

Summary of the Invention

It is an object of the present invention to provide for improved content delivery capabilities with interactive computer systems and to enable the measurement of completion of that content being displayed on a user's computer screen.

In accordance with a first aspect of the present invention, there is provided in a computer user interface environment for the display of information, a method of providing push content to a user comprising the step of: (a) automatically displaying a pop-up window displaying the push content material, the pop-up window being provided a predetermined time after a user has begun viewing

- 2 -

first predetermined information.

The push content can be separately loaded over a network whilst the user can be viewing the first predetermined information. Preferably, the popup window disappears after a second predetermined interval. The method can further include the step of iterating step (a) after a third
5 predetermined time interval.

The user interface can comprise an Internet browser and the information can be stored at an Internet site. Preferably, the method continues with the step (a) whilst a user visits pages within the Internet site.

The push content can be specific to the browser utilized by the user. The method can be
10 implement through the utilization of a scripting language of the browser. The predetermined information can be varied in accordance with the time of access by the user.

In accordance with a further aspect of the present invention, there is provided in a computer user interface environment for the display of information, a method of providing push content delivery comprising the steps of: (a) providing a popup window having a determined content, the popup
15 window being provided after a predetermined time a user viewing predetermined information, the pop up window further displaying second predetermined information; and (b) recording whether the popup window was closed by the user prior to completion of second interval and the display of the determined portion of content was completed. (c) closing or repositioning the popup window at the back of other windows after a third interval.

20 Preferably, the method further comprises iterating steps (a) to (c) after a fourth interval. The push content can further be varied in accordance with parameters available to the programming or scripting language used in a particular implementation of the method. The push content can be varied in accordance with a detected IP address of the user.

Brief Description of the Drawings

25 Notwithstanding any other forms which may fall within the scope of the present invention, preferred forms of the invention will now be described, by way of example only, with reference to the accompanying drawings in which:

Fig. 1 illustrates a basic flow chart for the steps of the preferred embodiment.

Description of Preferred and Other Embodiments

30 The preferred embodiment consists of a series of, or individual interactive web sites which deliver "popup" content to users visiting the World Wide Web page. These Web pages can be encoded utilizing standard HTML and Java Script encodings although it will be readily apparent to those skilled in the art that the present invention is readily applicable to many other language formats.

35 Preferably, this system delivers a predetermined portion of the content within a "popup" window which is provided for a predetermined time and then removed from the user's screen. The time is preferably set for each individual predetermined portion of the content and the software then waits for a predetermined period of time before running the next determined portion of content, even if a user switches pages within a site. If a user leaves the site completely, then the system is unable to run another

- 3 -

portion of content until the visitor returns to the site. In any event, preferably the system does not run the next determined portion of content until the necessary time has passed since the last determined portion of content. The preferred embodiment can be implemented utilizing a browser scripting language such as JavaScript and preferably waits before beginning to load the determined portion of content until after the main page has finished loading. This is more reliable than loading the page and determined portion of content simultaneously, and ensures that the site itself loads without interruption. This can, of course, be configured for each page/frameset running the software.

The software checks the version of the browser the visitor is using. If the browser supports it, the determined portion of content will be loaded into a window while it is in the background and then moved to the foreground, otherwise it will be loaded in the foreground.

The user is able to switch windows or close the window containing the determined portion of content, thereby skipping that particular determined portion of content - although the next determined portion of content in the sequence will still run. If the window is not closed by the user before a given determined portion of content has been completely displayed on the user's screen, then a record of that completion can be added to a tally recorded in a predetermined file.

The runtime of each determined portion of content is determined by the determined portion of content itself - this allows for more flexibility in the design of the content to be delivered and the ability for the determined portions of content to change their length depending on circumstances.

The sequence of determined portions of content and the timing of the gaps between them can be determined by a playlist.

The playlist for the determined portions of content along with the code to run them must currently be included in each page that the determined portions of content are to run from. This either has to be auto-inserted by the server or added to the content of each page.

The only exception to this is framed sites, where the code & playlist can be run from the page declaring the frameset and will then apply to all pages in the frameset.

As an alternative, it would be possible for the code and playlist to reside in separate files that are referenced from the pages requiring them, but this part of JavaScript is not supported by some versions of Internet Explorer currently in use. This situation will change as users move to newer versions of browsers.

This method of insertion is likely to reduce site management overhead as well as reduce the effective size of the code for each page, and the JavaScript and playlist is likely to be cached separately by the user's browser as well as by the proxy service they are using.

This system is preferable to any system which opens an empty window every time a user attempts to view the top level (home page) of a site before loading the determined portion of content and remains on screen until closed by the visitor - this either results in the user closing the window before the determined portion of content has finished loading, or multiple windows are left on the screen all showing the same determined portion of content.

Turning now to Fig. 1, there is illustrated a basic example flow chart of this steps 1 of

- 4 -

the preferred embodiment. Initially, when a user opens a Web Page at a site, the poor information for that Web Page is downloaded 2 in addition to a playlist of popup advertisements.

Next, HTML code is instructed to open a background window and the advertisement is loaded from its relevant HTML source 4. Upon loading, the add is brought to the foreground 5 and "played" 6. Subsequently, a time period lapses 7 and the method of the preferred embodiment iterates 8 back to the step 3.

Whilst an actual example of the relevant HTML encoding is provided in the attached appendix A, a number of general parts of this code will now be described.

To start the sequencer the following is added to the html <BODY> tag.

10 <BODY onLoad - "startNetBreak()">

Playlist

The playlist can be in the following format

'Playlist Start

.Array Declarations

15 itemURL [0] = "URL of first item"

itemWait [0] = seconds before first item

itemSize [0] = "width=width in pixels of first item, height = height in pixels of first ad"

itemURL [1] = "URL of item 2"

itemWait [1] = seconds before item 2

20 itemSize [1] = "width=width in pixels ad 2, height=height in pixels of item 2"

.....
itemURL [n-1] = "URL of item n"

itemWait[n-1] = seconds before item n

itemSize [n-1] = "width=width in pixels item n, height=height in pixels and item n"

25 " Playlist End

Here is a sample playlist for determined portions of content.

//Playlist Start

var itemURL = new Array (2)

30 var itemWait = new Array (2)

var itemSize = new Array (2)

itemURL [0] = http://netbreak.com.au/Popups/EdgeLogoSeq.html"

itemWait [0] =60

itemSize [0] = "width=620, height=420"

35 itemURL [1] = "http:// netbreak.com.au/Popups/PromoTester.html"

itemWait [1] = 60

itemSize [1] = "width=200, height=150"

" Playlist End

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There are a number of different methods of implementing this system on a web site. The implementation can be dependent on the way the web site is being served and the capabilities of the web server in use.

1. Live database generated web pages

5 The database system generating the pages would insert the JavaScript and Playlist into the required pages as the pages are generated.

This would only require modification one file when the playlist is changed and the page content would then be updated for all new pages generated.

2. Scriptable web server

10 The web server could automatically insert the JavaScript and Playlist into the required pages as it is serving the pages.

This option would also require only one change when the playlist is changed.

3. Straight web serving - no server programming

15 The JavaScript and Playlist block can be inserted into the pages by editing the HTML file for each page.

This would require each page to be edited when the playlist is changed.

The system is preferably capable of running any content that can be handled by the browser, as it can display the determined content by loading a URL into the popup window. The content can be responsible for bringing itself to the front when loaded.

20 The window is closed when the content signals to the originating window that it has finished. Therefore for the window to go away automatically requires the insertion of a small JavaScript to send this message and also requires a call to tell this script when to do so.

As a result of this, although any URL can be used it may be necessary to add JavaScript to each determined portion of content so that it presents correctly.

25 A variety of further refinements can be implemented in certain configurations. These include firstly that the JavaScript code, when used, can be created to selectively load contents based on the capabilities of the user's browser and plug-ins, enabling the use of plug-in dependent content where possible and at the same time ensuring content delivery by delivering an alternate version where necessary. An example of such a Browser capability change is given in the Appendix Example.

30 In a second refinement the selective content ability can also be used to target content specifically for the user, as long as the necessary information is available to the browser. This feature can tie in with information based on what pages the user has visited or on forms data collected by adding JavaScript to the pages collecting the data. This could also be used to advertise browsers or plug-ins for example, depending on what the user already has -informing the user of an update, for example.

35 In a third refinement, the time interval for the display of the predetermined portion of content can be determined by rules encoded into the content being displayed. These rules can be dependent upon such parameters as mouse clicks, keyboard events, the type of browser user by the user, the hardware used by the user and any other parameters available to the programming or scripting

language used in a particular implementation of this system.

In a fourth refinement, if another window (or windows) is (or are) brought in front of the popup window displaying the determined portion of content, the popup window will automatically return to the frontmost position after a predetermined portion of time. This can be implemented as part of
5 playing an advertisement or as part of the playlist loop.

In a fifth refinement, where a further portion of content is to be delivered for display in a popup window that has completed the display of a determined portion of content, the popup window will automatically return to the rearmost position until the new portion of content is ready to be displayed in the popup window, after which the popup window will automatically return to the frontmost position
10 and display the new portion of content.

In a sixth refinement, the popup window can be made to 'popup' on screen in the frontmost position at predetermined times of day and/or on predetermined dates.

In a seventh refinement, the predetermined portion of content can be determined by rules encoded into software residing on the file server management hardware providing the site
15 implementing the system described in this document. These rules can be dependent upon such parameters as the type of browser user by the user, the hardware used by the user, the IP address of the device requesting the file.

In an eighth refinement, software residing on the file server management hardware providing the site implementing the system described in this document can determine the content
20 according to the bandwidth available to the user, derived from information in the IP address or domain of the device requesting the file. This can be used to deliver larger file sizes or different media types to high-bandwidth connections.

In a ninth refinement, software residing on the file server management hardware providing the site implementing the system described in this document can determine the content
25 according to the location of the user, derived from information in the IP address or domain of the device requesting the file. This can be used to deliver localized information such as local weather or specific-language information, for example.

In a tenth refinement, software residing on the file server management hardware providing the site implementing the system described in this document can determine the content
30 according to the user's domain-specific information, derived from information in the IP address or domain of the device requesting the file. This can be used to deliver domain-specific information such as educational information to educational sites (.edu) which uses information from the top level of the domain information, or advertising targeting users of a particular Internet service provider (.domain.com), which would use secondary as well as top level domain information, for example.

35 In an eleventh refinement, the popup window and the predetermined content can be subject to combinations of the abovementioned refinements.

Ideally the content used in the popup window should be kept to as few files as possible and should be able to load in about 30 seconds. At present standard modem bandwidth limits, this would

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probably mean a file size of about 150Kb with modern computer modems (56K) at most unless there is a good chance that a user will be on a page for more than long enough for the page to load.

Ideally the content to be displayed in the popup window should be small enough to fit a 640x480 pixel screen with menu bar, window frame, title bar and the extra space that the browser leaves from the left edge of the window. It is therefore suggested that the maximum size is 600(horizontal)x400(vertical) pixels to ensure good screen fit.

It is also desirable to use a standard size for all portions of content across a site - if not across all sites to ensure visitor comfort and reduce time taken for visitors to adjust to the appearance of the window. 540(horizontal)x405(vertical) pixels would provide a sufficient screen area for the advertisement while sitting comfortably within a 640(horizontal)x480(vertical) screen.

Of course, many modifications are possible. For example, the type of content used may be varied in accordance with the current time zone of the user. For example, different night time and day time content might be provided.

It would be appreciated by a person skilled in Internet-related technologies that numerous variations and/or modifications may be made to the present invention as shown in the specific embodiments without departing from the spirit or scope of the invention as broadly described. The present embodiments are, therefore, to be considered in all respects to be illustrative and not restrictive.

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Appendix A - Example HTML code

```

<HTML>
<HEAD>
</HEAD>
5  <BODY onLoad="startNB()">

    <H1>Code for Anzwers Ads</H1>

    <H1>Release version.</H1>
10  <P>
    Playlist is:<P>
    <P>
    Anzwers01 - 20 Hours Delay<P>
    Anzwers02 - 40 Hours Delay<P>
15  Anzwers01 - 20 Hours Delay<P>
    Anzwers02 - 60 Hours Delay<P>
    Anzwers01 - 60 Hours Delay  <--- Loop back to here<P>
    Anzwers02 - 60 Hours Delay<P>
    <P>
20

    <!-- begin NetBreak -->
    <!-- ASX Release 1 -->
    <SCRIPT LANGUAGE = "JavaScript">
25  <!-- begin script
    var alertID = null; // NetBreak(TM) System V1.1 (C)Creative Edge Internet Services
    var curNB = 0; // Patent Pending in various territories
    var NBCook;
    var delCook;
30  var delCK = "_Delay";
    var seqCK = "_Next";
    var NBplName;
    var NBDelay;
    var NBckExp;
35  var expire;
    var curTime;
    var expDelay;
    var NBDelay = 0;

```

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```

var NBLoopTo;
var ckDomain;
var NBPage = new Array(1); // Keywords for URLs of pages
var NBURL = new Array(1); // URLs of NBs
5 var NBWait = new Array(1); // Time before
var NBSize = new Array(1); // Window size
function getCookieVal (offset) {
    var endstr = document.cookie.indexOf(";", offset);
    if (endstr == -1)
10     endstr = document.cookie.length;
    return unescape(document.cookie.substring(offset, endstr+1));
}
function FixCookieDate (date) {
    if(navigator.appVersion.indexOf("2.") != -1) {
15     var base = new Date(0);
    var skew = base.getTime();
    if (skew != 0)
        date.setTime (date.getTime() - skew);
    }
20 }
function GetDateStr (date) {
    var dateS = date.toString();
    if(dateS.indexOf("(") != -1) {
        dateS = dateS.substring(0, dateS.indexOf("(")) + dateS.substring(dateS.indexOf("(") + 1,
25 dateS.length);
    }
    return dateS;
}
function GetCookie (name) {
30     var arg = name + "=";
    var alen = arg.length;
    var clen = document.cookie.length;
    var i = 0;
    while (i < clen) {
35     var j = i + alen;
    if (document.cookie.substring(i, j) == arg)
        return getCookieVal (j);
    i = document.cookie.indexOf(" ", i) + 1;

```


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```
        if (i == 0)
            break;
        }
        return null;
5    }

    function SetCookie (name,value,expires,path,domain,secure) {
        if(expires) {
            expires.setTime(expires.getTime() + (3600000));
        }
10    document.cookie = name + "=" + escape (value) +
        ((expires) ? "; expires=" + expires.toGMTString() : "") +
        ((path) ? "; path=" + path : "") +
        ((domain) ? "; domain=" + domain : "") +
        ((secure) ? "; secure=" : "");
15    }

    function NBCheckURL () {
        var i = 0;
        if(navigator.appVersion.indexOf("2.") == -1) {
            while (i < NBPage.length) {
20        if (location.href.toLowerCase().indexOf(NBPage[i].toLowerCase()) != -1) {
                return 1;
                break;
            }
            i = i + 1;
25    }
        }
        return null;
    }

    function startNB() {
30    if(NBCheckURL()) {
        delCK = NBplName+"_Delay";
        seqCK = NBplName+"_Next";
        expire = new Date();
        curTime = new Date();
35    expDelay = expire.getTime() + (NBckExp);
        expire.setTime(expDelay);
        NBCook = GetCookie (seqCK);
        if(NBCook) {
```

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```

        curNB = parseInt(NBCook);
    }
    if(curNB >= NBURL.length) {
        curNB = NBLoopTo;
5    SetCookie (seqCK,curNB,expire,"/",ckDomain);
    }
    delCook = GetCookie (delCK);
    if(delCook) {
        curTime = new Date();
10    NBDelay = Date.parse(delCook) - curTime.getTime();
    }
    if((NBDelay) <= 200)
        NBDelay = 200;
    if (NBDelay < 100000)
15    alertID=setTimeout("displayNB()", NBDelay);
    }
    }
    function delayNB() {
        NBDelay = NBWait[curNB]*1000;
20    var nextTime = new Date();
        var NBTime = nextTime.getTime() + (NBDelay);
        nextTime.setTime(NBTime);
        SetCookie (delCK,GetDateStr(nextTime),nextTime,"/",ckDomain);
        if (NBDelay < 100000)
25    alertID=setTimeout("displayNB()", NBDelay);
    }
    function displayNB() {
        SetCookie (seqCK,curNB+1,expire,"/",ckDomain);
        delayNB();
30    NBWin=window.open(NBURL[curNB]+"?"+"h="+location.hostname+"p="+location.pathname,"
        NB"+curNB,NBSize[curNB]+",toolbar=0,location=0,directories=0,status=0,menubar=0.scrollbars
        =0,resizable=0");
        if(NBWin == null) {
            NBWin=window.open(NBURL[curNB]+"?"+"h="+location.hostname+"p="+location.pathname,"
            NB"+curNB,NBSize[curNB]+",toolbar=0,location=0,directories=0,status=0,menubar=0.scrollbars
35    =0,resizable=0");
        }
        if(parseInt(navigator.appVersion) > 3) {

```

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```

        focus();
    }
    curNB += 1;
    if(curNB >= NBURL.length)
5    curNB = NBLoopTo;
}
<!-- begin Config -->
NBckExp = 2678400000; // sequence cookie expire time
NBLoopTo = 4; // Point in playlist to loop back to
10 curNB = 0; // First NB to run if no cookie
ckDomain = null; // Domain for timing & sequencing cookies
<!-- end Config -->
<!-- begin PageKey -->
NBPage[0] = ""
15 <!-- end PageKey -->
<!-- begin PlayList -->
NBplName = "ASX01"; // cookie name for playlist
NBURL[0] = "http://nb1.netbreak.com.au/ASX/Anzwers01.html";
NBWait[0] = 72000; // 20 Hours
20 NBSize[0] = "width=245,height=170";
NBURL[1] = "http://nb1.netbreak.com.au/ASX/Anzwers02.html";
NBWait[1] = 144000; // 40 Hours
NBSize[1] = "width=245,height=170";
NBURL[2] = "http://nb1.netbreak.com.au/ASX/Anzwers01.html";
25 NBWait[2] = 72000; // 20 Hours
NBSize[2] = "width=245,height=170";
NBURL[3] = "http://nb1.netbreak.com.au/ASX/Anzwers02.html";
NBWait[3] = 216000; // 60 Hours
NBSize[3] = "width=245,height=170";
30 NBURL[4] = "http://nb1.netbreak.com.au/ASX/Anzwers01.html";
NBWait[4] = 216000; // 60 Hours
NBSize[4] = "width=245,height=170";
NBURL[5] = "http://nb1.netbreak.com.au/ASX/Anzwers02.html";
NBWait[5] = 216000; // 60 Hours
35 NBSize[5] = "width=245,height=170";
<!-- end PlayList -->
// end script -->
</SCRIPT>

```

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```
<!-- end NetBreak -->

</BODY>
5 </HTML>
-----

<!DOCTYPE HTML PUBLIC "-//W3C//DTD HTML 3.2//EN">
<HTML>
10 <HEAD>
  <META HTTP-EQUIV="expires" CONTENT="1">
  <META HTTP-EQUIV="Pragma" CONTENT="no-cache">
  <META HTTP-EQUIV="refresh" CONTENT="240;URL=Anzwers01t.html">
  <TITLE>Loading...</TITLE>
15 </HEAD>
  <BODY BGCOLOR="#FFFFFF" onLoad="NBEnd()">
  <CENTER>
  <SCRIPT LANGUAGE="JavaScript">

20 <!-- hiding
  var fType = "gif"; // NetBreak(TM) (C) Creative Edge Internet Services - Patent Pending
  var bType = "d";
  var running = 0;
  var alertID = null;

25
  if (navigator.userAgent && navigator.userAgent.indexOf("MSIE")>=0) {
    if(parseInt(navigator.appVersion) > 3) {
      blur();
      bType = "";
30   }
    } else if (parseInt(navigator.appVersion) > 2) {
      blur();
      bType = "";
    }
35 var NBNext = "Anzwers01"+fType+bType+".html";
  var ShockMode = 0; // Using Portions of AfterShock © Macromedia
  if (navigator.mimeTypes && navigator.plugins["Shockwave Flash"] &&
    navigator.mimeTypes["application/x-shockwave-flash"].enabledPlugin) {
```

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```

fType = "swf";
} else if (navigator.userAgent && navigator.userAgent.indexOf("MSIE")>=0) {
  if ((navigator.userAgent.indexOf("Windows 98")>=0 || navigator.userAgent.indexOf("Windows
95")>=0 || navigator.userAgent.indexOf("Windows NT")>=0)) {
5   document.write('<SCRIPT LANGUAGE=VBScript> \n');
    document.write('on error resume next \n');
    document.write('ShockMode =
(IsObject(CreateObject("ShockwaveFlash.ShockwaveFlash.3")))\n');
    document.write('</SCRI'+PT> \n');
10  }
    if ( ShockMode ) {
      fType = "swf";
    }
  }
15  NBNext = "Anzwers01"+fType+bType+".html";
  if(bType == "d") {
    NBEnd();
  }
20  if(fType == "gif") {
    document.write('<IMG SRC="http://www.zipworld.com.au/~cedi/popups/Anzwers01d.gif"
WIDTH=230 HEIGHT=150 ALT="Loading..." Border=0>');
    if(fType == "swf") {
      document.write('<EMBED SRC="http://www.zipworld.com.au/~cedi/popups/Anzwers01.swf"
25  WIDTH=230 HEIGHT=150 PLAY="false" LOOP="false" QUALITY="high"
SWLIVECONNECT="false"></EMBED>');
    }
    function NBEnd() {
      window.location.href = NBNext+window.location.search;
30  }
    function NBClick() {
      running = 0;
      NBNext = "Anzwers01dr.html";
      NBEnd();
35  }

// STOP -->

```

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```
</SCRIPT>
</CENTER>
</BODY>
5  </HTML>

-----

10  <!DOCTYPE HTML PUBLIC "-//W3C//DTD HTML 3.2//EN">
    <HTML>
    <HEAD>
    <META HTTP-EQUIV="expires" CONTENT="1">
    <META HTTP-EQUIV="Pragma" CONTENT="no-cache">
15  <TITLE>Answers</TITLE>
    </HEAD>
    <BODY BGCOLOR="#FFFFFF" onLoad="doRun()">
    <CENTER>
    <EMBED SRC="http://www.zipworld.com.au/~cedi/popups/Answers01.swf" WIDTH=230
20  HEIGHT=150 PLAY="true" LOOP="false" QUALITY="high"
    SWLIVECONNECT="false"></EMBED>
    </CENTER>
    </BODY>
    <SCRIPT LANGUAGE="JavaScript">
25
    <!-- hiding
    var alertID = null; // NetBreak(TM) (C) Creative Edge Internet Services - Patent Pending
    var delayID = null;
    var running = 1;
30  var runCK = "NB_Running";
    var ckDomain = null;

35  var NBNext = 'Answers01swfe.html';
    function doRun() {
        keepFront();
        alertID=setTimeout("NBEnd()", 35 * 1000);
```

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```

    }
    function keepFront() {
        if(running == 1) {
            focus();
5        }
        if(1 > 0) {
            delayID=setTimeout("keepFront()", 1 * 1000);
        }
    }
10
    function NBEnd() {
        running = 0;
        blur();
        // SetCookie (runCK,"",null,"/",ckDomain);
15    window.location.href = NBNext+window.location.search;
    }
    function NBClick() {
        running = 0;
        NBNext = "Answers01swfr.html";
20    NBEnd();
    }

    // STOP -->
25
    </SCRIPT>
    </HTML>

    _____
30
    <!DOCTYPE HTML PUBLIC "-//W3C//DTD HTML 3.2//EN">
    <HTML>
    <HEAD>
    <META HTTP-EQUIV="expires" CONTENT="1">
35    <META HTTP-EQUIV="Pragma" CONTENT="no-cache">
    <META HTTP-EQUIV="refresh" CONTENT="10;URL=Answers01swff.html">
    <TITLE>Answers</TITLE>
    <BODY BGCOLOR="#FFFFFF" onLoad="doRun()">

```

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```

      &nbsp;
    </BODY>
    <SCRIPT LANGUAGE="JavaScript">

5    <!-- hiding
      function doRun() {
        window.close();
        // NetBreak(TM) (C) Creative Edge Internet Services - Patent Pending
      }
10   // STOP -->

    </SCRIPT>
    </HTML>

15   -----

    <!DOCTYPE HTML PUBLIC "-//W3C//DTD HTML 3.2//EN">
    <HTML>
    <HEAD>
20   <META HTTP-EQUIV="expires" CONTENT="1">
    <META HTTP-EQUIV="Pragma" CONTENT="no-cache">
    <META HTTP-EQUIV="refresh" CONTENT="2;URL=Answers01swff.html">
    <TITLE>Answers</TITLE>
    </HEAD>
25   <BODY BGCOLOR="#FFFFFF" onLoad="doRun()">
    <P>Loading...
    </BODY>
    <SCRIPT LANGUAGE="JavaScript">

30   <!-- hiding
      function doRun() {
        var
        adWin=window.open("http://www.answers.com.au","NetBreakReferer","width=620,height=370,t
oolbar=1,location=1,status=1,menubar=1,scrollbars=1,resizable=1");
35   if(adWin == null) {

        adWin=window.open("http://www.answers.com.au","NetBreakReferer","width=620,height=370,t
oolbar=1,location=1,status=1,menubar=1,scrollbars=1,resizable=1");

```


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```
    }  
    window.location.href = 'Answers01swfe.html';  
  }  
  // STOP -->  
5  
  </SCRIPT>  
  </HTML>
```

10

We Claim:

1. In a computer user interface environment for the display of information, a method of providing push content to a user comprising the step of:
 - (a) automatically displaying a pop-up window displaying the push content material, said pop-up window being provided a predetermined time after a user has begun viewing first predetermined information.
2. A method as claimed in claim 1 wherein said push content is separately loaded over a network whilst said user is viewing said first predetermined information.
3. A method as claimed in claim 1 wherein said window disappears after a second predetermined interval.
4. A method as claimed in claim 1 further comprising the step of iterating step (a) after a third predetermined time interval.
5. A method as claimed in any previous claim wherein said user interface comprises an Internet browser and said information is stored at an Internet site.
6. A method as claimed in claim 5 wherein said method continues with said step (a) whilst a user visits pages within said Internet site.
7. A method as claimed in any previous claim wherein said push content is specific to the browser utilized by said user.
8. A method as claimed in any previous claim wherein said method is implemented through the utilization of a scripting language of said browser.
9. A method as claimed in any previous claim wherein said predetermined information is varied in accordance with the time of access by said user.
10. In a computer user interface environment for the display of information, a method of providing push content delivery comprising the steps of:
 - (a) providing a popup window having a determined content, said popup window being provided after a predetermined time a user viewing predetermined information, said popup window further displaying second predetermined information; and
 - (b) recording whether the popup window was closed by the user prior to completion of second interval and the display of the determined portion of content was completed.
 - (c) closing or repositioning said popup window at the back of other windows after a third interval.
12. A method as claimed in claim 10 further comprising the step:
 - (d) iterating steps (a) to (c) after a fourth interval.
13. A method as claimed in claim 12 wherein said method reiterates said steps (a) and (c) whilst a user visits pages within said Internet site.
14. A method as claimed in any previous claim wherein said push content is varied in accordance with the time of access by said user.
15. A method as claimed in any previous claim wherein said push content is

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varied in accordance with parameters available to the programming or scripting language used in a particular implementation of said method.

16. A method as claimed in any previous claim wherein said push content is varied in accordance with a detected IP address of said user.

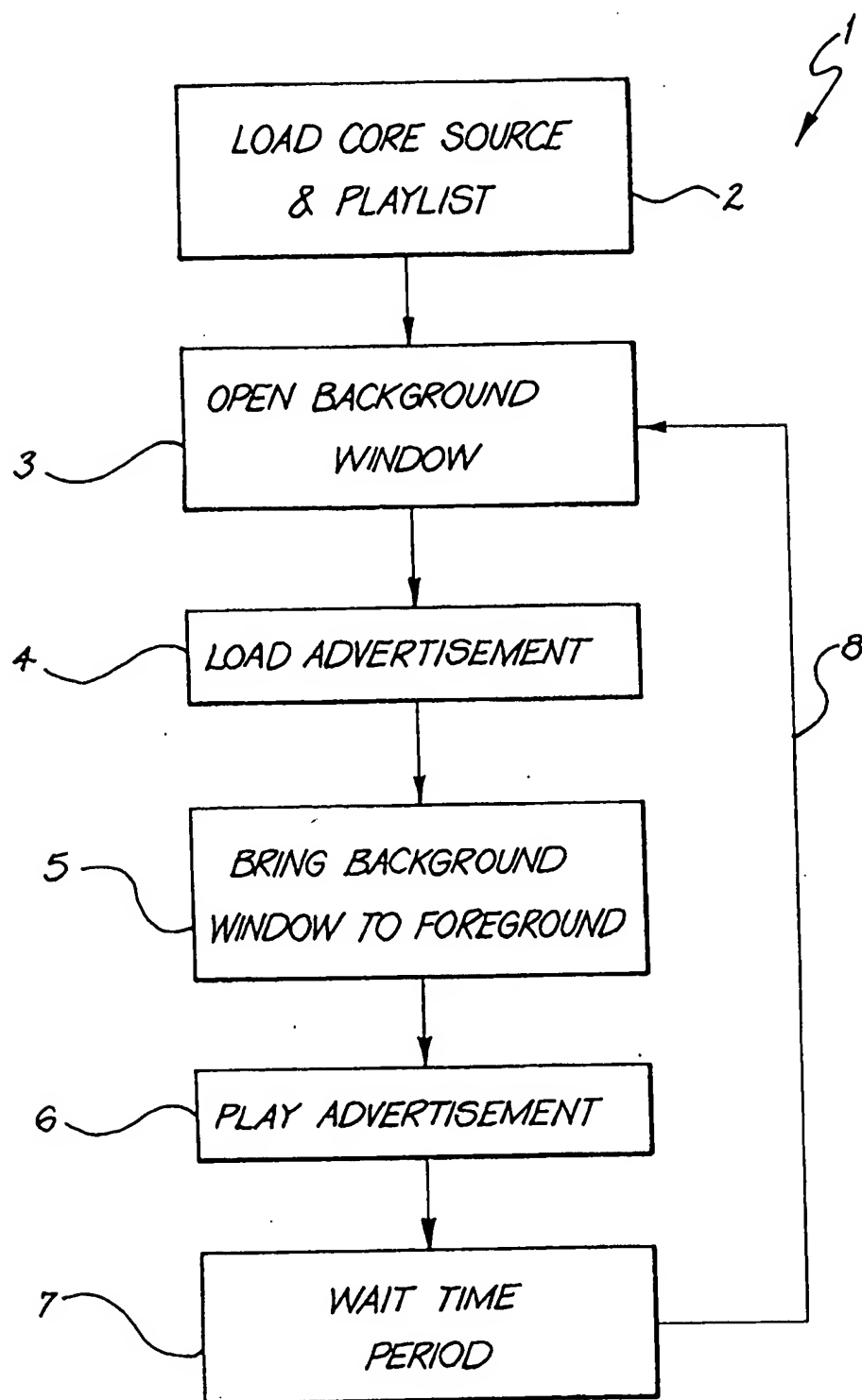


FIG. 1

INTERNATIONAL SEARCH REPORT

International application No.

PCT/AU 99/00350

A. CLASSIFICATION OF SUBJECT MATTER		
Int Cl ⁶ : G06F 19/00		
According to International Patent Classification (IPC) or to both national classification and IPC		
B. FIELDS SEARCHED		
Minimum documentation searched (classification system followed by classification symbols) Int Cl.G06F 19/00		
Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched AU: IPC as above		
Electronic data base consulted during the international search (name of data base and, where practicable, search terms used) USPTO: ICL/G06FS AND ADVERTISS SOFTWARE PATENT INSTITUTE DATABASE: (Internet OR Web) AND (advertise)		
C. DOCUMENTS CONSIDERED TO BE RELEVANT		
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
P,X	US-A-5890172 (Borman et al) 30 March 1999 See column 10 line 51 to column 11 line 16	1
X	WO-A-97/40601 (JUNO ONLINE SERVICES, L.P.) 30 October 1997 See page 10 lines 8 to 22	1, 4, 7
X	WO-A-97/40514 (JUNO ONLINE SERVICES, L.P.) 30 October 1997 See page 26 lines 3 to 12	1, 4, 7
<input checked="" type="checkbox"/> Further documents are listed in the continuation of Box C <input checked="" type="checkbox"/> See patent family annex		
* Special categories of cited documents: "A" document defining the general state of the art which is not considered to be of particular relevance "E" earlier application or patent but published on or after the international filing date "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified) "O" document referring to an oral disclosure, use, exhibition or other means "P" document published prior to the international filing date but later than the priority date claimed "T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art "&" document member of the same patent family		
Date of the actual completion of the international search 11 June 1999		Date of mailing of the international search report 22 JUN 1999
Name and mailing address of the ISA/AU AUSTRALIAN PATENT OFFICE PO BOX 200 WODEN ACT 2606 AUSTRALIA Facsimile No.: (02) 6285 3929		Authorized officer Michael Hardy Telephone No.: (02) 6283 2547

INTERNATIONAL SEARCH REPORT

International application No.

PCT/AU 99/00350

C (Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT		
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO-A-97/40447 (JUNO ONLINE SERVICES, L.P.) 30 October 1997 See page 11 line 3 to page 14 line 26	1, 4, 7
Y	Special Edition Using HTML 3.2, Third Edition, Mark R. Brown & Jerry Honeycutt, 1997 Que Corporation, pages 493 to 516, "ActiveX Controls" See page 504, "Timer Control"	1
Y	US-A-5572643 (Judson) 5 November 1996 See column 2 lines 6 to 11	1

INTERNATIONAL SEARCH REPORT
Information on patent family members

International application No.
PCT/AU 99/00350

This Annex lists the known "A" publication level patent family members relating to the patent documents cited in the above-mentioned international search report. The Australian Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

Patent Document Cited in Search Report				Patent Family Member			
US	5890172						
WO	97/40601	AU	24562/97	US	5838790		
WO	97/40514	AU	26113/97	EP	894329	US	5809242
WO	97/40447	AU	24552/97	EP	900422	US	5848397
US	5572643	AU	74588/96	AU	699439	CA	2235014
		EP	856180	WO	97/15020	US	5737619
END OF ANNEX							